61

CONSTITUTIONAL DEVELOPMENT IN MYSORE - 1923

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TABLE OF CONTENTS.

CHAPTER I—General Survey.

		PARA
I.	Introductory Remarks	1—4
II.	The ground-plan	5—9
III.	The Problem in brief	10—11
IV.	The New Polity—Constituent Bodies ..	12—33
	(i) The question of a Double Chamber in Mysore	13—18
	(ii) The Representative Assembly.—Its organic character in a modern constitution ..	19—22
	(iii) The Legislative Council	23—27
	(iv) The Executive Council	28—30
	(v) General Considerations	31—33
V.	Standing Committees and the Economic Board ..	34—39
VI.	Decentralisation—Local Self-Government—District Boards and their reconstitution ..	40—44

CHAPTER II—The Representative Assembly.

I.	Place in the Constitution—	45—47
	A. Constitutional Status, Powers and Scope—	
	(i) Legislative measures	48—56
	(ii) New Taxes	57—60
	(iii) Addresses	61
	(iv) Interpellations	62
	(v) Representations	63
	(vi) Resolutions	64—69
	(vii) Definite scope of the Representative Assembly—	70—76
	(i) Consultation	70
	(ii) Resolutions	71—76

		PARAS
	B. Constitutional Status—Relations to other Public Powers—	77—91
	(i) Relations to the Legislative Council— ..	77
	(*a*) Question of direct relation between the two bodies	78
	(*b*) Conflict of opinion	79—81
	(*c*) Ordinary Procedure	82—85
	(*d*) Procedure in other cases not deemed urgent	86—89
	(ii) Relations to the Government	90—91
II.	Strength of the Assembly	92—95
III.	Electorates—	96—159
	(i) Rural and Urban Constituencies ..	99—104
	(ii) Special Interests—	105—117
	(*a*) University	106—107
	(*b*) Law	108
	(*c*) Industries	109
	(*d*) Labour	110—113
	(*e*) Trade and Commerce	114—117
	(iii) General observations	118—120
	(iv) Minorities—	121—159
	(*a*) The Problem of Democracy—the tyranny of the Majority	121
	(*b*) Minorities of opinion or interests and Communal Minorities	122
	(*c*) Minorities distinguished from interest and function groups	123
	(*d*) Community minorities in India ..	124
	(*e*) The demand for protection	125
	(*f*) Protection, true and false— ..	126—134
	(i) Majority rule—an abiding fact ..	126
	(ii) False remedies	127
	(iii) Questionable methods of Representation	128
	(iv) Opinion of the majority of the Committee as to certain methods ..	129—134
	(*g*) Rejection of special electorates by the Committee	135
	(*h*) Method recommended by the Committee	136—138
	(*i*) Facultative Representation by Associations	139—140

		PARAS
	(*j*) Characteristic features of the scheme—its advantages	141—143
	(*k*) Suggestions not seconded in Committee	144—145
	(*l*) Facts relating to some of the minorities	146—152
	(1) Mussalmans	146—148
	(2) Panchamas and Animists ..	149—151
	(3) Christians	152
	(*m*) Further motions on the subject ..	153—155
	(*n*) General provisions for safe-guarding minority interests—	156—159
	(1) Representation	
	(2) Constitutional safe-guards—Legislation	
	(3) Protective administration ..	
	(4) Sense of the Commonweal ..	
IV.	Primary and Secondary Election	160—161
V.	Jahagirs—Yelandur and Sringeri	162
VI.	Franchise—	163—184
	(i) General considerations :—	163—171
	(*a*) Single and Plural Franchise ..	163—166
	(*b*) Question of difference in voters' franchise for different houses ..	167—169
	(*c*) Question of difference in voters' franchise for different constituencies, even of same class	170
	(*d*) Question of differences between voter and candidate as regards qualifications	171
	(ii) Removal of Sex-disqualifications ..	172—173
	(iii) Previous history of the franchise in Mysore	174—176
	(iv) Literacy	177—178
	(v) Probable increase of the electorate under the proposals of the Committee	179—181
	(vi) Disqualifications—	
	(*a*) Age.	182
	(*b*) Sentence of Criminal Court ...	
	(*c*) Government servants	
	(vii) Conditions of citizenship	183
	(viii) Residential qualification	184

		PARAS
VII.	Length and Frequency of the Sessions— ..	185—188
	(i) Previous history of the subject ..	185—186
	(ii) Committee's proposals	187—188
VIII.	Order of Business	189—190

CHAPTER III—THE LEGISLATIVE COUNCIL.

I.	Opening Remarks	191
II.	Place in the Constitution—	192—210
	(i) Legislation—	193—199
	(a) The dualistic type	194
	(b) A democratic Unitary type ..	195
	(c) Another Unitary type	196—197
	(d) The Mysore Unitary type ..	198—199
	(ii) Reservation of law-making power— ..	200—206
	(a) to the Governor-General in British India (b) to a Governor .. .. .. (c) to the Government in the Mysore Regulations	201—206
	(iii) Reservations to the Head:—Its basic character and its vital significance for constitutional development	207—210
III.	Amendments to the Constitution	211—213
IV.	Exclusions:—	214—224
	(i) The existing list	214
	(ii) Modifications	215—216
	(iii) External Relations	217—220
	(iv) External relations—Other problems— ..	221—224
	(a) Defence	221
	(b) Customs and Tariffs	222
	(c) Other problems	223—224
V.	Budget—	225—246
	(i) The meaning of the vote	227
	(ii) Voting by major heads	228—232
	(iii) Supplementary or additional grants ..	233
	(iv) Excess grants	234—235
	(v) Reservations of power in the matter of money grants—	236—24

		PARAS
	(*a*) Emergency cases	236—238
	(*b*) Restoration of grant	239—242
	(vi) Exclusions	243—246
VI.	Strength and composition of the Legislative Council	247—267
	(i) Strength	248—252
	(ii) Changes in the composition.—Constitutional bearings—	253—255
	(*a*) Actual composition—	
	1. Existing	253
	2. Proposed	
	(*b*) Statutory provisions— ..	
	1. Existing	254
	2. Proposed	255
	(iii) Reforms in British India—	256—262
	(*a*) Morley-Minto Reforms ..	256
	(*b*) Montagu-Chelmsford Reforms ..	257
	(iv) Distribution of seats	263—267
VII.	Qualifications and Disqualifications— ..	268—271
	(i) Qualifications	268—270
	(ii) Disqualifications	271
VIII.	Corrupt practices	272
IX.	Objection petitions	273
X.	Polling officers	274
XI.	Sex-Disqualifications	275

CHAPTER IV—STANDING COMMITTEES—CENTRAL DEVELOPMENT BOARD—DISTRICT BOARDS—THE PROCLAMATION.

I.	Standing Committees	277
II.	Central Development Boards	278
III.	District Boards	279—283
IV.	The Proclamation	284—285

CHAPTER I.—General Survey.

SECTION I.—Introductory Remarks.

THE announcement of the Dewan in the Representative Assembly giving an outline of the scheme of Constitutional Development in Mysore, and the terms of reference to this Committee laying down the lines on which it is to work in filling up that outline as well as the limits imposed on its work, make it clear that we, in Committee, have a strictly defined scope and are not free to offer our suggestions independently or *de novo* in building up a new constitution for the State. This does not, however, mean that the Committee must take a mechanical view of its work or entertain a narrow idea of its responsibilities. In the first place, the announcement gives only the general framework. For example, it defines the scope and powers of the two Houses, but leaves their constitution and composition to the deliberations of the Committee. Again, the *generality* of the announcement lends itself in certain matters to alternative schemes of development, and the Committee has been free to move in the direction of what has appeared to it to be the soundest constitutional development in the circumstances of Mysore and her people. But the most responsible task of the Committee has been to visualise the Reformed Constitution as a whole, to bring out the meaning that runs through the entire plan and pattern, and thus to ensure that it may be a living entity, having in it "a plastic principle" which would enable it to grow in response to inevitable changes in the course of historic development.

2. In so doing, the Committee has borne in mind some fundamental considerations relating to Constitutional Reform. In the first place, a constitution is not made but grows. The new plan must evolve out of historic conditions and traditions in response to new needs and new facts. In Mysore we have had certain unique constitutional and ultra-constitutional developments in the past,

notably the Representative Assembly and the Economic Conference unknown to British India. We have also had in the Legislative Council the rudiments of a legislature intended to voice the collective will of the people. We have, finally, the basic tradition of the sovereignty of the head of the State as the one original organ as regards all functions, legislative, judicial and executive—a feature which Mysore possesses in common with many other States, Indian as well as foreign. All new constructions to-day must build on these foundations. And above all, the existing condition of the masses of the rural population in the interior of the State, and what is no less relevant, their political potentialities and educability, have been constantly before the Committee in giving shape to its decisions of principle and policy.

3. But there are wider issues still. The Committee has throughout kept in view, as applicable to Mysore, the actualities of the Indian social and rural organisation, which have always dominated forms of polity in India, and which must continue to do so in the evolution of the Indian type of civilisation. For example, in India, we have always had intermediary groups between the State and the individual, such as the Village Community, the Five Assemblies, the guild, the puga, the *shreni*, the *gana*, the caste, and other interest or function groups. These associations and assemblies had an independent origin and sanction; and the State, even when it came to incorporate them, and grant them charters, did not and could not wholly suppress their quasi-independent character or usurp their jurisdiction or functions. No doubt, in very recent times, there has been a considerable disorganisation of the village communities and the functional groups, but any sound political organisation to be built up in India must take count of the deeply embedded social instincts and social postulates of the Indian peoples, though these must be adapted to the spirit of the age and the governing facts of the environment in which they find themselves. Accordingly, in our recommendations, it has been our purpose to give to the representation of special-interest-groups an organic character.

4. And, then, there are the widest issues of all. No constitution in the 20th century can ignore the vital and tendencies of the century. Our objective

cannot be a mediæval State, nor even one of the nineteenth century pattern. The nineteenth century emphasis on democracy, rationalism, individual liberty, party government and the infallible rule of the majority, has shifted, though they have not lost and can never lose their legitimate force, and constitutional checks and correctives to these have been applied, and are being applied to-day, in most progressive countries, to preserve the balance and equipoise of the State. They have been given their due place in the Committee's proposals. It is not necessary that we should pass through the whole gamut of trial and error in our own political experiments: that is the advantage of being born, as one might say, late in life! We must have a twentieth century constitution, though only in rudiments and so far as it is fitted to the folk and the environment for which it is to find the proper political expression.

SECTION II.—The Ground-plan.

5. The Head of the State in Mysore is the Supreme Executive Head as well as the Source (and sanction) of law. In other words, Mysore is a Unitary State.

This is the basic fact of the Constitution in its internal aspect. In its external aspect, there is the relation to the Paramount power as defined by the Mysore Treaty.

6. But other factors are emerging. In Mysore, as in British India, the incorporation of the people in the Government is essential to the strength and stability of the State, in internal as well as in external relations. Fortunately, these diverse requirements of the situation in an Indian State like Mysore can be reconciled, though not necessarily on the lines of the British model which is the objective and goal of the constitutional advance in British India. That model is built on a dualistic plan not conforming to the plan of a Unitary State like Mysore. A limited monarchy (in other words, a sovereignty divided between the Head of the State and the people, regarded as two originally separate elements), and an executive Government or Ministry, responsible to the people as well as to the Head of the State, are two characteristic features of the British Constitution, which point to its origin and

history. The original duality has now reached a basis of unity under an arrangement by which the Cabinet (the executive) controls the Parliament (the legislature) *de facto*, while the Parliament controls the Cabinet *de jure*. Thus it is a sort of a binary star in the political firmament, or better, an original duality evolving into a (democratic) unity.

7. *In Mysore the Problem is the opposite.* We are to preserve the original unity intact, that sovereignty which is the symbol of the *Dharma* or Law. This *Dharma* had originally the people for its body and organs, if the king was the head or rather the arms; but the organs (the popular assemblies), had been lost, and we have been re-evolving various new organs and centres, popular in origin and composition, which will embody that one undivided sovereignty in a variety of political assemblies and organisations. In fact, we have in this process created three such bodies, the Executive Council, the Legislative Council and the Representative Assembly; but the last two, if not also the first, are yet only excrescent, adventitious, auxiliary, to the central Personality of the Head; and must now be incorporated by being given a constitutional status in that sovereign unity.

8. Neither autocratic unity, nor the loose heterogeneity of structure now existing, but a constitutional unity with the Headship, must serve as our ground-plan. There have been even in recent times instances of such Heads both in the East and in the West. The dualistic structure of a limited monarchy and a responsible Government is or has been absent in such cases. Even where the constitutional unity, the one undivided sovereignty, has taken a democratic (and indeed a federal) shape as in the United States, responsible Government in the technical British sense, has failed to make its appearance. In all such constitutions, the governing idea is this—the Head of the State represents the people directly and primarily in his person, whether, as in the case of the Mikado or of a Hindu Sovereign, as the symbol of the Shinto, the *Dharma* or the Law, in hereditary succession and transmission,—or, as in the case of the President of the United States, as the elected representative of the people's sovereignty, standing in an even more direct and vital relationship to the people than the members of the Representative Assemblies and Legislatures.

9. Accordingly in such a polity, the Head of the State, whether a hereditary Ruler or an elected President, exercises, as representing the people's sovereignty, a double prerogative, *viz.*, (1) in the sphere of legislation, the prerogative of ratification (including the veto), and (2) in the sphere of Executive Government, the prerogative of creating and uncreating the organ of Government, the Ministry. And both these prerogatives are exercised much more fully, really and substantively than by the constitutional Head of a limited monarchy under 'responsible' Government. The reforms in British India, it may be noted, have brought us to a half-way house, in the matter of this double prerogative. Based on the model of 'responsible' Government with its implications of an original dualism, they yet trend largely towards the non-dualistic plan in claiming this two-fold prerogative in living substance and not merely as a dead formality.

SECTION III.—The Problem in Brief.

10. Our problem then is—how to embody this unitary sovereignty of the Head in the Body politic and its various limbs and organs. This incorporation with and into the people is necessary to the State and its Head, in an internal as well as in an external reference.

First, internally: The governing fact is that the State has now become or is fast becoming co-extensive in its scope and jurisdiction with all life, in all its departments, and has preserved none of those intermediary groups (*e.g.*, the village community, the guild, the Five Assemblies, or other Associations) which served as bulwarks and buffers between the State and the individual. New forms and organs must therefore be created, not outside the State and as co-ordinate bodies as of old, but inside, and at any rate incorporated in an undivided sovereign unity. This is as true of Mysore as of the rest of India, and, for that matter, of the East, and in so doing the East is not imitating the West, but orientating itself to the world that "has broken in upon her slumbers,"—a mere incident in the process of social evolution in history.

Secondly, externally: A paramount power on an autocratic basis and a Feudatory State under personal

Headship might go together and work by personal influence and reciprocity, but when the paramountcy begins to pass through stages, few or many, of responsible Government to the peoples of British India, the people of an Indian State must move towards incorporation in the person of its Head to preserve the parity and equipoise of the political situation.

11. This is the fact that has arrived. The Mysore constitution must take note of it. The question is—how must the polity of an Indian State like Mysore adapt itself to the situation, and carry out this great incorporation, this re-embodiment of KING DHARMA as one might call it, in the body of the State.

SECTION IV.—The New Polity—Constituent Bodies.

12. In the Central Government, the constituent bodies under the new polity will be the same as now—the Representative Assembly, the Legislative Council and the Executive Council. We will take them up in order. In this Chapter, we will generally (and in the light of our previous observations) consider their place in the constitution, their functions and their structure, leaving our specific proposals to the body of the report.

(i) THE REPRESENTATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL

The Question of a Double Chamber in Mysore.

13. Under the existing constitution of Mysore, these two houses do not correspond to a double Chamber of Legislature. And the Reforms as announced do not have a bi-cameral legislature in view. For a clear conception of the character of these two bodies, a brief discussion here will not be out of place.

14. The population and the size of a State, its historic tradition or its imperial or federal character, may sometimes demand a double Chamber. Such conditions are wanting in Mysore. On the other hand, a compact and not unwieldy population, and a comparatively simple socio-economic structure, without marked differences of econo-

mic level, and without big landholding or feudal interests, would naturally point to a single Chamber. A double Chamber here would be economically wasteful, and politically unsound. It would breed friction and dissension without corresponding gain in deliberation, and is also likely to produce congestion and a morbid hyper-excitation in the body politic.

15. But this does not mean that there need be only a single stage in the law-making process. While there is no room for revision *from above* by hereditary, oligarchic, or other interests, there is ample room for representation, initiative, corrective, *from below*. In fact, instead of two stages, there ought to be normally at least three, in a modern law-making organ of a State:—

(1) There is the representation of wants and grievances, with power of initiative, from the primary assemblies—(corresponding roughly to the functions of the Representative Assembly);

(2) There is next the formulation of law, policies and programmes, by a body representing the collective wisdom and experience of the people—(corresponding to the work of the Legislative Council);

(3) Subsidiary or preliminary to (2) there must be consultation of trained experts in the complicated technical business which devolves on a modern legislature, if its laws are to be, as they must be, in conformity with scientific norms and standards, or with natural, biological and sociological law. (This corresponds to the work of Standing Advisory Committees or Boards, internal or external to the legislature).

The legal drafting and codifying comes under (3) rather than under (2), and need not be separately enumerated.

NOTE.—The referendum completes the circle.

16. This is the natural three-fold division in the process of Law-making, requiring three organs differently constituted and differently functioning,—but a double deliberation, in two Chambers, is at once defective and redundant.

17. Fortunately, we have the rudiments of all the three organs in the Mysore Constitution—the Representative Assembly, the Legislative Council and the Central Economic Board—institutions which have grown up under the silent forces of natural evolution working from within, not without the kindly lead that has come from the *prescience* and *pre-vision* of the grand old statesmen of Mysore, and it remains for science and for vision, coming after, to fulfil their prophecy of things to come.

18. To turn the Representative Assembly, then, into an imitation First Chamber of the Legislature would be shunting it on to a wrong and devious track. It should not be saddled with responsibilities which would be foreign to its character and composition, nor turned aside from vital work which has to be done and which it alone, as an epitome of the people, is capable of doing.

(ii) The Representative Assembly.—Its Organic Character in a Modern Constitution.

19. The Representative Assembly, as it stands, can be made to serve a vital political need which is strongly felt in most countries under representative Government to-day. The constituted central legislatures in such Governments (taking both Houses together) are filled in great part by representatives who come in by a secondary or a tertiary election, or who are thrice removed from the spheres and interests of life they legislate upon, or whose composition does not even fairly reflect the actual balance of social forces in the country. Owing to these inherent disadvantages of representative Government by majorities (which can hardly be redressed by any scheme of proportional representation) it happens that direct action by primary interest-groups (or function-groups) in various spheres of life comes into the arena, the more so as the usual representation is only territorial, and ignores the more natural groups of social composition,—a defect which, it will be seen, has been sought to be corrected in the scheme of representation suggested for the Mysore Legislative Council. It is also unfortunately the case that as such direct action has not been regularised (or constitutionalised), it is always revolutionary in character and set up in opposition to the Parliamentary Government or

other constituted authority. Wisdom, then, under the rule of representative Government by majorities,—even with such redress as proportional representation may give,—would provide for some regular referendum, obligatory in certain defined cases, or facultative (optional) in others, as under the Swiss Constitution. The Representative Assembly in this State certainly does not answer the purposes of a referendum, but so far as the Assembly is an epitome of the people, a meeting-place of delegates of various groups and associations working on the principle of direct action and bound by natural ties or interests, so far again as the delegates bear mandates regarding subjects of discussion, if not also regarding their representations to Government, there is much that is common to the working of the Representative Assembly and the working of a Referendum. In fact, with some changes, this Assembly can be made to serve, however informally and rudimentarily, two important ends, *viz.*, the Initiative and the Referendum, which are such useful supplements and correctives to the machinery of formal constitutional representation. The delegates in centuries,—say two or three hundred,—should come from the primary assemblies and groups which constitute the body of the people and work by direct action in the sphere of their daily lives and interests. They should bear mandates regarding the people's wants, desires and grievances which the Assembly may formulate for the purposes of an initiative to the legislature. They should be consulted in all important legislative measures, and the general principles of all bills (including bills of taxation) should be referred to them and their views ascertained. They should discuss the budget on general lines. And, finally, they may also bring mandates regarding matters which have been referred to the people by the Government or the Legislature, especially in the case of bills touching, closely and directly, the people's daily life. Such functions the Representative Assembly properly composed and developed can very usefully discharge. In the constitutional changes now announced, with true political vision and foresight, has the opportunity been seized of serving the people by methods which are more direct and intimate, in their bearings on the life of the folk, than the political machinery of the orthodox Parliamentary pattern.

20. Finally, where, as in a Unitary State like Mysore, the Head of the State can, and does exercise the prerogative of legislation, ratifying or vetoing the collective will of the elected representatives in the legislature, the implication is that the relationship of the Head to his people is more natural and primary, more direct and intimate, than the legal and consentual relationship of the electorate and the elected; and in such circumstances, especially in vetoing a legislative enactment, a referendum, formal or informal, partial or full, from the Head to the original source, that *fons et origo*, the vote of the people, may supply to the Head of the State the means of making his representative capacity more real, more articulate, and broader-based on the affections of the people. The corporate and constitutional unity of the Head of the State and its people will thus have two complementary expressions, a formal and legal one in the legislature, as well as an informal and extra-legal one in the Representative Assembly.

21. The Representative Assembly, it is important to repeat, does not answer the purposes of a referendum. The essence of the latter, in a technical sense, consists in a reference of a project (or programme) of law to the body of the people outside the law-making organ in a constitution, with a view to ascertain the will of the people as dissolved into the *disjecta membra*, the original primary units, and not as organised into secondary groups or other derivative formations. The ascertainment may be through delegates bearing mandates, as well as by other machinery as now exists suited to the circumstances of the people. But on any adequate theory of the law-making process, this is only the completion;—the beginning or initiative should also have a representative popular character, though, usually, constituencies and compartments have here a more legitimate and recognised place. The Representative Assembly with us seeks to combine the forms of *representation* with the substance (and ends) of a referendum and an initiative. In the present stage, this is all that can be usefully attempted in this direction. The reference to a body outside the law-making organ with a view to ascertain the wishes of the people, and short conferences of assembled representatives of the people who will come direct from the primary assemblies, more and

more charged with mandates, as the political consciousness of the people advances and the suffrage is extended—these are the common features, *in esse* or *in posse*,—and, in the end, the vital purposes of the referendum and the initiative, those essential correctives to representative Government, will be served here under variant forms of polity suited to the genius (and the socio-economic condition) of the Indian people.

22. Even if political institutions were accidental by-products of history, they could not be imported wholesale from abroad, but in truth they are regional products and the true test of a people's self-governing capacity is the capacity for fresh institutional construction from within in response to the forces of the given region and environment. The Representative Assembly is such a regional product, which, under the forms of representation, serves informally and rudimentarily the purposes of a referendum and an initiative, and in referring to its functions we shall speak accordingly, more especially where we keep constitutional developments and implications in view. The Chairman would point out that the peculiar and significant characters of this regional type—*viz.*, a referendum limited to general principles, and the form of representation through a body emerging from the people—not only adapt the institution to Indian conditions, assimilating it to the Indian tradition of Panchayets and *Graminas* ('village elders'), but also obviate the objections, theoretical as well as practical, which may be urged against the referendum in its ordinary form. Besides, as will be presently seen, this is more in consonance with the requirements of law-making and its component processes in any modern State.

(iii) The Legislative Council.

23. On the theory of the Constitutional Reforms, as presented above, the members of the Representative Assembly, emerging as it were from the body of the people, should bring mandates regarding the people's wants, desires and grievances, and make their own recommendations about the general trend of legislation, of taxation, as well as of administration, as referred to them. They will thus serve, however informally and rudimentarily,

the two important ends of initiation and reference. Such a body, as has been said, must be the epitome of the people, and its *raison-d'etre* requires that it should be sufficiently large and comprehensive, having the character of a conference of the delegates of the whole people, and that, in the final consummation, a not very distant goal, it may be hoped, with the rapid extension of compulsory education—the primary assemblies forming the electorates should comprise all the adult active citizens of the State. But the Legislative Council has a different end and therefore a different composition. It will shape and formulate legislative measures to secure the well-being of the people by ways and means acceptable to the representatives of the people. Such a body must be composed of persons who have a large outlook, who can understand the theory and art of Government—who have some habitude and experience of public affairs, or have served the country under forms of local self-government. It will be, not an epitome of the people, but an Assembly embodying its collective wisdom and virtue. It must bear some proportion to the size and population of the State and to the variety of its interests. It must be a body not too large for its business; it must be a representative public assembly, not a close Committee, and accordingly not too small. And it should represent the various groups, functions and interests in the State. The total representation should be divided between (1) the territorial groups, (2) functional groups, (3) the interests of the people represented by the State and the interests of minorities so long and so far as they demand legislative protection,—to which may be added a contingent of members from the Representative Assembly. Thus under (1), there will be elected representatives of municipal and rural areas grouped as may be convenient or customary. Under (2), there should be representatives of different vocations, professions and interests to be elected by registered bodies, corporations and associations which either exist to hand, or may come to be organised for the purpose. In the beginning, this would be tentative and informal, but in the end, (2) would comprise agricultural, manufacturing and trade interests (including planting and mining interests), the landed and capitalist interests, professional associations of lawyers, physicians, engineers and teachers, working men's associ-

ations and labour unions, social service and welfare associations, to which must be added representatives of the interests of women (so long as the suffrage and full political status are withheld), children, depressed classes, and even the dumb animals. Under (3), the Head of the State would nominate members, who would be, in part officials representing the different departments of the Civil Services in a fair and equitable proportion, and in part non-official representatives appointed by the Head to protect the interests of minorities.

24. From all this, it will be noted that, for the composition of the central legislature, the usual grouping of constituencies on a more or less exclusive territorial basis is a quite inadequate provision. No doubt, territorial grouping is of the very essence of local self-government, and with increasing decentralisation in that sphere, a Central Legislature would more and more assume, in that territorial aspect, the character of a federation of self-governing local bodies. The deputies of these local bodies in the central legislature will thus come in by secondary election, but the inter-dependent interests and functions which ramify over the whole State cannot be so represented. A *mere duplication* of the *territorial* machinery in this part of the central legislature would be alike cumbrous and inelastic, and would defeat the purposes of that legislature. Neighbourhood is no doubt a vital bond of a physical and organic character. And territorial electorates are a necessary basis of representation, and such representatives would come from the united suffrages of many grades of society ; but the ties of common interests and common functions that bind men into groups and associations independently of the tie of neighbourhood acquire greater and greater importance with the more complex evolution of life and society, and must accordingly be recognised as complementary formative principles and necessary correctives in a sound political constitution. A citizen of a State is a citizen, not merely because he resides in a particular taluk or hobli, but really by virtue of the functions he exercises and the interests he has at stake in the body politic, and these vital constitutive ties, these basic factors of the social composition, must independently form an integral and organic element in the grouping of constituencies. All these considerations

apply with equal force to the composition of the Representative Assembly.

25. Several important considerations make such a course imperative:—

(1) In India, these function-groups and interest-groups have always been outstanding factors in the rural, economic and political organisations,—in fact, *pugas*, *shrenis*, *ganas* and *samuhas*, castes and other functional groups, have been no less prominent than village communities, and even if the Arthashastra and the Samhita literature are supposed to depict ideal norms or standards rather than actualities, the scheme of representation in the prescribed central council of 47 bears a faithful impress of the political temper and political genius of the Indian peoples.

(2) The principle of groups is now widely recognised to be a basic principle in the economic as well as the political compositions of the twentieth century. It will be seen that the representation of interest and function groups in addition to territorial representation on a property basis will to a great extent obviate the revolt of the primary bodies against a Parliament of intermediaries.

(3) But the greatest advantage of such a composition of the legislature is that it is bound to work for the softening of differences—even communal differences such as we have in India. And this will tend to counteract the operation of those disruptive forces which the recognition of hereditary distinctions and inequalities, or of ethnic or religious cleavages, *as such*, in the constitution of a law-making body, might help to crystallise or even to accentuate. For the minorities have functions and interests which will not necessarily depend on their numbers, and so far as rigid communal barriers in the matter of vocations and functions are breaking down, and a free interchange and inter-flow (or what is called a sliding scale) are being established in society at large, the representation of interests and functions on a non-communal and non-ethnic basis will be an influence for unification and concord.

26. One more point of vital moment in the composition of the Legislative Council is the representation of the Government in the legislature. The separation of

the Executive and the Legislative in theory is, no doubt, of special importance in a dualistic constitution, but in practice there are different degrees of separation.

27. In the case of legislative assemblies on an exclusive elective basis, where the ministers are responsible in the British sense, or are elected by the legislature, the members of the Cabinet have seats, but the permanent officials are usually excluded. With a non-responsible or irremovable Executive, the ministers may or may not be members or may be with or without the right to vote, but the permanent officials are usually jealously excluded. But wherever the legislature in one or both of the Houses contains a nominated element, not only the Cabinet Ministers are members *ex-officio* but also a certain proportion of officials are nominated. The theory is that where the ministers are the mouthpiece of the legislature (or of the majority in the legislature) and are elected or removable, the administration of the departments is effectively under Parliamentary control, and the conformity of administration to legislature is automatically secured: the permanent officials have therefore no place in such a legislature. This is the case of an original dualism evolving into unity. Where however the ministers are irremovable by the legislature, the administration, especially its limbs and instruments, are jealously kept out, and conformity of administration to legislature is secured by an elaborate machinery of checks and sanctions. This is either dualism *pur et simple*, or, as in the United States, an original unity of the people's sovereignty broken up into a multiplicity of separate and exclusive organs. But in the purer type of the Unitary State, there is not only unity between the Head and the people,—there is also unity between the Executive and the Legislative under the one Head, with assured conformity of administration to legislation; and this is secured by the limbs and instruments of the administration (forming the executive) being given an organic place and function in the legislature. This is not only logical in theory, it is also advantageous in practice in such a polity—it smooths the wheels of the machinery both of legislation and administration—and it makes for efficiency and power.

(iv) THE EXECUTIVE COUNCIL.

28. The Executive Council (or the Ministry) will be a small body chosen by the Head of the State, and acting as constituted and constitutional advisers to the Head. The Ministers will be members *Ex-officio* of the Legislature. They will initiate, organise and direct policy. The Ministers will be under the constitution responsible to the Head, and may not be turned out by a vote of the Legislature.

29. Several important points may be noted in this connection :—

(1) Even in the most advanced instance of a democratic constitution in the world, the Republic of Switzerland, the Councillors are in fact not turned out by the Legislature, and do not resign on adverse votes defeating their policy or measures, but as a matter of course conform themselves to the wishes of the people constitutionally ascertained. In a Unitary State whether we have a hereditary ruler as in Mysore or an elected President as in the United States, and whether there is a formal or informal Referendum, or none, this is the goal and the objective. Indeed in the absence (or break-down) of the party system and on the emergence of shifting and loosely co-ordinated groups in the Legislature, this will be seen to be a constitutional necessity in the interests of the strength and stability of administration.

(2) The Ministers will be constitutional advisers, but as there is no 'responsible' Government in the technical British sense, the term 'constitutional' must have a somewhat different meaning in this connection: the Ministers will be responsible to the Head for what they advise or fail to advise. Again, in matters of administration, there may profitably be some decentralisation of power to the Ministers, but the important point to note is that in a Unitary State the unity between the Head and the people must not be sundered by an intermediary bureaucracy placed as buffers between them. Where the Ministers are directly responsible to the people, they may be centres of delegated power without prejudice to the general interest. But a Ministry or bureaucracy responsible only to the Head should not form centres of independent delegated Sovereign authority serving as barriers

between the Head and the people. For, apart from the Head and the people, the bureaucracy in such a State is no original third party, and has no independent place. In a State of the unitary pattern, whatever delegation of Sovereign power there is, must be to popular bodies or corporations representing the people.

(3) The Dewan will be President of the two Councils and of the Representative Assembly, and as such will exercise many responsible statutory powers.

(4) A Councillor elected by the people's representatives or selected out of a panel nominated by the latter, would be virtually introducing dyarchy into the Ministry. Dyarchy could only be a transitional form, and the goal would be the *party system* of responsible government which is not what is aimed at in these Reforms.

30. But nothing in the Reforms restricts the choice of the Head of the State to the members of the bureaucracy: on the other hand the announcement contemplates the appointment of non-official members to the Executive Council at the pleasure of His Highness. The Chairman and the non-official members of the Committee wish to add that a non-official with large experience of public affairs, especially one chosen by the Head for his assured hold on the affections of the people, may in the Executive Council contribute to strengthen that living harmony between the administration and the people which is of no less vital import than the conformity of the Executive to the Legislature which it is the object of constitutional machinery to secure. It is essential, however, that a Minister so nominated, whether he should be with or without portfolio, should take his seat on the Legislature *ex-officio*, and, so long as he is in office, cease to represent any particular constituency in either of the two Houses—he represents the people at large un-officially, and not through the constitutional media of Houses or Electorates.

General Considerations.

31. The Ministers, though collectively styled the Government, are only the personnel (and the instrument) of the Government which, in a Unitary State, is embodied in the Head as representing the people and as symbolising

Dharma (the rule of law). The Government in this sense is an organ of power, the power of *Dharma* or law, and the sovereign need of a State is that this organ be strong and efficient in the best and truest sense of the terms; it must accordingly be supplied with the munitions of war in the perpetual struggle for conservation as well as betterment which constitutes its life and activity. And this means not only adequate funds, but also adequate executive powers. Even in the constitutional practice of those States, in which the Executive is responsible to the people's representatives, the Executive, so long as it is in power, virtually controls the Parliament, and in some measure makes its own maker. No doubt, in a unitary constitution, we have the supreme Executive in the Head of the State, who has the prerogative of ratification, of restitution, or of interpolation, as the case may be, in reference to the acts of the Legislature. This is a reserve of power, a normal and substantive one, and not a 'dead dividend.'

32. The British Constitution, which is the model set up in British India, secures representative and responsible government in one way; but this can be equally secured on the plan of a unitary constitution, in which the Ruler, the supreme executive Head, in view of his unity with the people represents the people even more intimately and permanently than the elected representatives. On the British plan, the sovereign and the people, or again, the Executive and the Legislature, are rival authorities working by means of checks and counter-checks. On the other plan (to which an Indian State can be easily adapted) there is the constitutional unity of the Head of the State and the people, and accordingly the Head who creates and uncreates the Ministry and ratifies or vetoes the acts of the Legislature does so by virtue of his inalienable unity with the people.

33. But in order that this unity may be kept intact and indeed made living and real, in a Government in which the Head is the centre of reference and the source of Law, there are two fundamental requirements:—

(1) The people must be put *en rapport* with the Government in various ways, other than the mere machinery of constitutional representation in the Legislature.

We have already one such living organ in the Representative Assembly for a direct consultation of the authentic voice of the people in their primary assemblies and in their fields and homes.

(2) And other points of contact and *rapport* with the people may be created by providing, for the Central Government, for *purposes of administration and development*, a number of Standing Committees and Boards as statutory advisers to the Ministers, *e.g.*, a Board of Education, a Board of Sanitation and Public Health, a Board of Agriculture, a Board of Industries and Commerce, a Board of Railways and Public Works, a Standing Committee of Taxation and Finance, a Board of Development, a Local Self-Government Board. Similarly, chartered corporations like Universities may serve as other means of devolution of power. But the one condition of their success is that they should as far as possible be popular and non-bureaucratic in character and composition.

SECTION V.—Standing Committees and the Economic Board.

34. The Representative Assembly and the Legislative Council, each in its own degree and place, will no doubt share between them the primary functions in the process of law-making. The former will express the people's will and give a guiding line to policy. For, every culture and civilisation stands for a certain organisation of life and of social values and ideals; and a body like the Representative Assembly, charged by the people with mandates and representations, can alone present the actualities of any situation as they are felt by the people, and give a true expression to the people's instinctive experience, as well as an unsophisticated verdict on laws and measures as judged in the light of the social values and social postulates which underlie that culture and civilisation. This is the meaning of any referendum or initiative. And this is quite in keeping with the primacy of instinct (and intuition) in the modern philosophy of life.

35. The Legislative Council will bring its collective wisdom and experience to the task of formulating reasoned and thought-out policies, laws and measures.

36. But in the present stage of social evolution, the art of Government has become a complicated technique, and what may be called a scientific legislation and a scientific administration, based on the laws of social life and progress, are a prime necessity.

37. No doubt, the proper study of mankind—especially of the governing part of mankind—will always be Man, and this will ever remain the best of techniques to the would-be legislator. But eugenics, economics, statistics, criminology, technology, the applied arts—the whole host of the sciences, natural, biological, sociological, must now govern the business of law-making as well as of administration. Accordingly, the legislatures of the future, and especially the democratic ones, will make use of the trained experts and men of business in a systematic and organic way by developing Standing Advisory Committees and Boards which will have a statutory place recognised by the Constitution. These will not all necessarily be composed of members of the Legislature.

38. There are various devices for securing safety-valves and fly-wheels of this kind. For example, there may be Standing Committees or Boards which are aids to *legislation* and they may be all internal, or all external or partly internal and partly external, to the legislature. Again, such Committees or Boards may be *aids to administration*, and the Ministers in charge of Departments may refer any matter to them for responsible advice. These Boards may also be either internal or external. But the most modern part of administration is intensive development, and development schemes, moral and material, instead of being in entire and exclusive charge of departmental officers or a trained bureaucracy, as in the pre-war German constitution, should always be worked out in the first instance by Standing Central Boards of Development composed of experts, both official and non-official, representing the different interests concerned.

39. In a Unitary State with an irremovable Executive or Ministry like that under the new Mysore Constitution, *Standing Committees of the Legislature*, advisory to Ministers in matters of administrative policy, may to some extent be a means at once of securing expert advice

and of popularising the administration. But Standing Central Boards of experts representing varied interests, as *statutory bodies outside the legislature* and constituted for advising the Government (and Legislature) in all matters touching intensive development, must continue to be an outstanding characteristic of the Mysore Polity. These are indeed sure 'Roads to Freedom,' ways of progressive expansion and of close *rapport* between the Government and the people—which are free from many of the pitfalls that beset the path of "responsible Government."

SECTION VI.—Decentralisation—Local Self-Government—District Boards and their Reconstitution.

40. Hitherto we have confined ourselves to the sphere of central Government—its forms, machinery and methods. Centralisation has indeed been a necessary stage in the organisation of political life. A true national government can rise, in the first instance, on the ruins of a feudal system of privileged orders, classes or corporations, only by creating an absolute central power.

41. The common membership of the State gradually replaces all the old bonds of descent or kinship, social customs, cultural stock and language. The central State ousts all co-ordinate jurisdictions, ecclesiastical, feudal, municipal. This was what happened in the evolution of the State, in ancient India, in the Europe of the Renaissance, in the History of the Khalifate, in Modern Japan. The existence of theocratic codes, privileged orders, ethnic disabilities, and servile classes, retards the free and normal development of a National State, and these ethnic survivals disappear in an adult nationality.

42. But this centralisation is attended with serious disadvantages as stunting free growth in many directions. Accordingly, when it has served its purpose by annulling the independent and exclusive jurisdiction of the older groups and orders, it makes again for decentralisation *within the limits of the State paramountcy.* Voluntary associations, companies, corporations (Universities, Inns of Court, Medical Councils, Commercial Unions, Trade Unions, Syndicates, Kartels, Artels, Co-operative agencies,

Social Reform Associations, etc.,) extend this decentralisation within the limits of State supervision as secured by charters, registrations and licenses. Local Self-Government carries the decentralisation still further by delegation of State functions to local bodies. In the end, the national polity assumes a federal character,—that of a federation of groups and associations, based on neighbourhood, function or interest, which this Central Association, this constitutional co-partnership, the State, only co-ordinates, harmonises and fulfils.

43. That is a far cry, but that is the ultimate meaning of the process of decentralisation which has begun under the Local Self-Government policy. But until our local bodies in India are reconstituted on the basis of the characteristic Indian formations of the village community and the guild as ultimate constituent units, Local Self-Government will remain an exotic, unacclimatised and unrooted, on Indian soil, with consequent decay and disorganisation in the rural economy, and consequent blocking up of the very channels in which runs the life-blood of the Indian people.

44. The Reforms as announced contemplate a further development of the local bodies, especially the District Boards, in the direction of local autonomy. The reference of Local Subjects from the Representative Assembly to the District Boards in the first instance, if properly worked out, would be a decided step towards decentralisation, but functional change never succeeds without suitable structural modification, and the reconstitution of the District Boards and other local bodies on a reorganised village community basis, on the old Indian plan as revised and brought up-to-date on modern liberal lines, is a prime necessity of the situation. Neither the announcement nor the terms of reference require us to enter into this vital question of the constitution of the local bodies. Further, that is work which can be performed, as is apparent from our remarks, only by a Committee specially charged with that task, and we have felt ourselves precluded from giving their natural place to these local bodies as such in the new Constitution of the State until they are thoroughly remodelled and reformed.

CHAPTER II.—The Representative Assembly.

I. Place in the Constitution.

45. The Dewan's announcement promises that the Representative Assembly will be given a definite place in the Constitution. And by the terms of reference the Committee is requested to indicate the manner in which this may be done.

46. We are of opinion that a definite place in the Constitution implies a number of things, among others, (A) its constitutional status, powers and scope with reference to law-making, *e.g.*, actual legislation, initiative, referendum, or mandate as the case may be, and (B) what is equally important, its constitutional status in relation to the other public powers.

47. The Committee's general view of the former question (constitutional status, scope and powers) has been formulated in the preceding General Survey. A more specific consideration of this point in the light of the Dewan's announcement is now necessary.

A.—Constitutional Status, Powers and Scope.

(i) *Legislative Measures.*

48. The Representative Assembly, so runs the announcement, will be consulted in regard to all important legislative measures. The legislative programme of the year will be placed before the Assembly in the Dasara Session, and the general principles of the bills discussed there.

49. Several points arise in this connection :—

(1) Does the discussion imply voting on the questions discussed ?

Some of us thought not—they held that a definite 'yea' or 'nay' might soon acquire a mandatory character, which is of course not intended, either in relation to the Legislative Council or to the Government or to both, and would entail risks of conflict with the other House.

50. Messrs. Matthan and Abbas Khan, on the other hand, hold the view that although there would be nothing to prevent the Government from ascertaining the opinion of the Assembly by taking votes, the discussion or consultation need not always or necessarily be brought to a head in this manner. A general discussion of principles of proposed legislation without putting them in the shape of formal propositions for being formally voted upon would in their view be specially valuable, particularly in the stage before the preparation of the bill. Such discussion would enable the Government to ascertain all shades of opinion,—of all groups and interests,— and this is one of the most essential of the ends which the Assembly has always served, and should continue to serve in an increasing measure. The Representative Members will articulate the 'intuitive' and 'unsophisticated' views and wishes of the people and it may not always be fair to expect them to take, on the spot, definite decisions on complicated questions of legislation. They are therefore of opinion that a certain amount of latitude should be left to the Government (the Dewan-President) in this matter, although, whenever the questions involved can be put in clear-cut issues, the normal procedure may, of course, be to ascertain the sense of the House by taking votes.

51. The majority hold that without a definite ascertainment of views in the usual way (*i.e.*, by voting), the discussion would be profitless, and uncertain, and could not be acted upon; and that it would therefore be without constitutional weight or validity and not in keeping with the promise of constitutional advance in the announcement. In the end, an ascertainment by votes was agreed to (Messrs. Matthan and Abbas Khan dissenting as above).

(2) Does consultation mean ascertainment of opinion by votes?

52. There was the same difference of opinion. Those who would answer the question in the affirmative pointed out that a corporate body when consulted must express its collective opinion, and without such ascertainment the result of the consultation would be differently interpreted by the different parties interested in the

matter, and might create more embarrassment than guidance to the consultant (in this case, the Government). The Committee decided in favour of this view (the above two members dissenting.)

(3) Important Legislative Measures.—No criteria of importance can be laid down.

(4) The Procedure defined.—There was some doubt as to whether "legislative measures" were intended to be distinguished from "the legislative programme" and "the bills" mentioned in the very next sentence.

53. Mr. Matthan is of opinion, Mr. Abbas Khan agreeing, that "legislative measures" here are not synonymous with "bills" forming part of the year's legislative programme. In his view, the Government will consult the Representative Assembly generally on all legislative measures contemplated (such of them as they might consider important), without having necessarily formulated them as bills. In the case of legislative measures which have been already formulated as bills and included in the legislative programme as announced in the Dasara Session, the general principles will be placed before the Representative Assembly for discussion. This discussion will take place before the bills are introduced in the Legislative Council. But in cases where legislation is introduced in the Legislative Council before discussion in the Representative Assembly, as the announcement has it, "His Highness the Maharaja will ordinarily (*i.e.*, except in urgent cases) reserve his assent until the close of the next session of the Representative Assembly." It is not intended that the Government should place bills which have been passed by the Legislative Council (or of which the principles have been adopted by that body) at a subsequent stage before the Representative Assembly for discussion. The Government will wait and see if the Representative Assembly choose to express any opinion by a Resolution. If the Representative Assembly does not pass any adverse opinion, the bill will be submitted to His Highness. If it does, the Government will adopt such course as it may decide on, having due regard to the opinion of the Representative Assembly.

54. The majority of the Committee were of opinion that this would leave the powers of the Representative

Assembly in a nebulous state, liable to contraction and expansion with 'barometric' changes in the year's legislative programme. For bills on that programme, there would, no doubt, be discussion of general principles (but not pressed to a vote except at the desire of the Government). For all other legislative measures (including bills), even if they should be important, there would be only consultation, which would, again, be general and free. In fact, for bills outside the legislative programme, even such consultation by Government would not be assured. For if only such a bill should be introduced in the Legislative Council before discussion in the Representative Assembly it would depend on individual members of the Representative Assembly whether a resolution on the subject would be placed before it or not, and supposing this should be done, it could not possibly have what little constitutional weight and significance might be otherwise attached to a verdict on and after consultation by Government, even though the consultation might be informal and free.

55. Accordingly, the Committee decided that the Representative Assembly should ordinarily be consulted about every important legislative measure, and its opinion ascertained. The bills on the year's legislative programme, and *ordinarily* all bills relating to important legislative measures even if taken up after the year's legislative programme is announced, will have their general principles placed before the Representative Assembly for discussion and opinion before they are introduced in the Legislative Council. Where, however, any bill relating to an important legislative measure not forming part of the year's original programme is introduced in the Legislative Council before discussion in the Representative Assembly, the latter body will (except in urgent cases) be consulted by Government at its next session before the bill is submitted to His Highness the Maharaja.

56. Thus the procedure will be three-fold:—

(i) Normal.—Consultation of the Representative Assembly about important legislative measures and discussion of the general principles of bills before introduction in the Legislative Council.

(ii) Exceptional.—Introduction into the Legislative Council prior to discussion in the Representative Assembly, where such introduction is deemed necessary. Here also consultation of the Representative Assembly at the next Session, before submission to His Highness. (Messrs. Matthan and Abbas Khan dissenting as above.)

(iii) Urgent cases, *i.e.*, where the procedure under (i) or (ii) cannot be adopted for reasons deemed sufficient by Government—A bill may be passed through the Legislative Council and submitted to His Highness. There will be no consultation of the Representative Assembly in such cases. But we presume that if the Representative Assembly is in session and the bill is an important one, the Assembly will be consulted.

(ii) *New Taxes.*

57. No new taxes will be levied without previous consultation of the Representative Assembly.

58. We have defined new taxes to mean taxes requiring a fresh Regulation (or amendment to a Regulation) for their imposition. In the case of new taxation (involving legislation) the Committee is of opinion that the Representative Assembly should be consulted before legislation is introduced in the Legislative Council. The desirability of an obligatory procedure like this in the matter of a money bill will be obvious. Proposals for the levy of new taxes shall be laid before the Assembly for discussion and the opinion of the Assembly should be ascertained by taking votes. We also recommend that any modification which may be suggested in the course of the discussion in the Assembly may at the discretion of the President be also put to the vote.

59. *General Observations.*—Some indirect forms of taxation do not come under this head. Indeed some forms of authentic (though indirect) legislation and taxation by administrative order are normal facts in every Constitution.

60. The remedy (against abuse) is either to provide the responsibility of the administration in general to the

Legislature, or to introduce the leaven of popular co-operation (and representation) into each administrative department by means of Standing Advisory Committees. The Government have chosen the latter path as conformable to a unitary constitution ; the former remedy works only spasmodically. Besides, there will be the resolutions on matters relating to public administration, but that machinery must not be over-worked, or else there will be a clog and a break-down.

(iii) *Addresses.*

61. We have left out Addresses to the Dewan either sectional or by the whole House : the majority felt that such Addresses have no place in a constitutional body, as apart from representations. The Committee are of opinion, however, that Addresses by the whole House to His Highness the Maharaja are permissible.

(iv) *Interpellations.*

62. The number of interpellations (or questions, as we prefer to call them as more truly descriptive of the practice) to be selected by a Standing Committee of the Representative Assembly will be restricted to 50 for each Session. We have made detailed recommendations for constituting the Standing Committee. The usual restrictions on questions have been provided for, and suplementary questions may be allowed at the discretion of the Dewan-President.

(v) *Representations.*

63. These are a characteristic and distinctive feature of our Representative Assembly. Accordingly, representations have been assigned four days at the Dasara, and two at the Budget Session. The maximum number at the two Sessions will be 150 and 50 respectively. The President may, at his discretion and independently of the Standing Committee, admit, in addition to the number thus fixed, any other respresentations on behalf of special interests, minorities or others.

The necessity for Addresses to the Dewan has thus been obviated.

(vi) *Resolutions.*

64. These may be, among others, on the budget or

on matters relating to public administration. They must conform to the usual conditions.

65. Resolutions on the budget will be moved only in the Budget Session. If any such Resolution is for an increase of expenditure under a certain item, ways and means for meeting the increased expenditure by a corresponding reduction in expenditure, or increase in revenue or receipt, should be pointed out by the mover of the Resolution.

66. The well-established convention of legislative bodies is to exclude resolutions for increase of expenditure, but it is of the essence of the distinction between representation and legislation that the former should cover a wider ground because it has the freedom characteristic of suggestions, and is not charged with the responsibility of formulating a programme. Still, they must be considered suggestions, and this has been ensured by the above rule.

67. It may be added in this connection that the Assembly will be at liberty to discuss the budget as a whole, or any question of principle involved therein.

68. The present informal procedure, under which the Financial Secretary and the Comptroller meet such members as require information, will continue. This was first adopted in 1918, three years after the consultation of the Representative Assembly on the State Budget was initiated by orders of His Highness the Maharaja.

69. Other Resolutions (on public administration, etc.,) may be brought forward, to a maximum of 25 at the Dasara Session, and of 10 at the Budget Session. Suitable procedure for precedence, etc., has been suggested in the rules. The Government may disallow any Resolution which in their opinion cannot be moved consistently with the public interests. The Resolutions of the Representative Assembly will be communicated to the members of the Legislative Council for their information.

(vii) *Definite Scope of the Representative Assembly.*

70. (i) *Consultation.*—"The Representative Assembly will be consulted about important legislative measures." But consultation does not mean that its opinion will be binding on the consultant. It will be seen from

the announcement that the scope of the Representative Assembly is at present limited to expressions of opinion on the general principles of bills, and on amendments to such principles. Amendments to particular clauses will not be within its province.

The Representative Assembly will also be similarly *consulted* about new taxes. Whether the Representative Assembly's opinion on legislative measures or that on proposals for taxation will have the greater value or validity is a point which can be decided only by conventions as they grow up.

71. (ii) *Resolutions.*—"Resolutions of the Representative Assembly will have effect only as recommendations." Thus the Resolutions of the Representative Assembly on matters of public administration, as well as those on the budget, will have no binding or mandatory character, but only the force of recommendations. This will also be the case with Resolutions on matters about which the Assembly is consulted.

Of the different forms of political expression in order of increasing emphasis or definiteness, *viz.*, interpellations or questions, addresses, representations, opinions (unsolicited or on consultation), resolutions, voting grants, mandates, regulation, enacting, etc., the Representative Assembly will employ the first five, and all these have only recommendatory (and not mandatory) value. The force of the recommendation will of course depend:—

(*a*) on the advancing political consciousness of the people;

(*b*) on the momentum it acquires by reason of the mass of the electorate behind the representatives.

72. In other spheres, *e.g.*, in measurements of the force of the imitative impulse or of customary opinion or prejudice, the momentum is said to vary as the square of the mass (*i.e.*, the number of individuals concerned): the same law of squares may not improbably apply to the force of political opinion, other things being equal such as the degree or quality of the political consciousness concerned.

73. In both these directions, the limitations on the scope of the Representative Assembly are defined in the

announcement, apparently in view of the political condition of the masses. A body intended to serve, however informally, the purposes of a referendum (and an initiative) and not of a law-making or revising Chamber must be the faithful image and reflex of the people, if it is to have a political justification and meaning. A formal referendum, a verdict having a binding or mandatory character in relation to the Legislative Council, if not also the power of interpolatory amendment, may come in the course of constitutional developments in later stages of adult nationality, but to the end, the referendum must be kept distinct from the enacting power, on any sound constitutional theory.

74. The Chairman and some other members are of opinion that the power given to the Representative Assembly to move Resolutions on the Budget, *which is even more essential than the other powers*, should have been similarly directed to a discussion of general principles and policy underlying the Budget, without reference to particular grants or appropriations. This would be not only logical and consistent but also wise. A detailed examination of a State Budget is usually a more technical business than that of particular clauses in a Bill of legislation.

75. The Chairman holds that the situation contemplated by the majority, *viz.*, that of specific money grants being dealt with by two sets of people's representatives in two different Houses, perhaps in opposite ways (even though with a distinction as between 'resolving' and 'voting'), is one of peril as inviting collision, and imports a peculiar instability into the Constitution, in fact, a want of co-ordination between its two limbs which amounts to a sort of 'locomotor ataxy'!

76. The situation would be this—the power of the purse (with whatever reservations) given to two Houses, or rather to the more official and less popular House, subject only to a Jovian frown or an objurgatory nod from the assembled Representatives of the people. Is not this an anomaly in theory, and a misfit in practice? It is no reply to say that there may be the same conflict between the two Houses in regard to bills of law: for *there* the popular House and the law-making House have each its own function, namely, initiative (or general direction), and

formulation; the direct conflict is minimised, and at any rate, the people's House is not baulked of its own specific privilege (of voting money). This is the predicament, and the Chairman is of opinion that the problem cannot be solved except on the line he has indicated, *i.e.*, by making separate provision for general direction and for formulation. And the final equilibrium will be found in the growth of some future convention by which the general direction left to the people's House, both in financial legislation and administration (*i.e.*, in the matter of money bills and budgets), and in the sphere of legislative measures and bills on the legislative programme, will begin to assume more and more of a mandatory character with reference to the other House. But what is essential is that the enacting or formulating, no less than the executive or administrative, powers should be kept distinct to the end from the referendum and the initiative. There is no other constitutional *egress* from what would otherwise be a *cul-de-sac*.

B.—Constitutional Status of the Assembly in Relation to the other Public Powers.

(i) *Relation to the Legislative Council.*

77. The spheres of influence of the Representative Assembly and the Legislative Council cover much the same ground, and conflicts and deadlocks can best be avoided by providing for the growth of conventions and usages differentiating their respective functions and facilitating amicable settlements.

(a) Question of Direct Relation between the Two Bodies.

78. For the present, we have provided that the Government should be the centre of reference and the point of contact for the two bodies. The latter do not communicate direct with each other. The members of the Representative Assembly elected to the Legislative Council will have no claim to bring the resolutions of the former before the latter as accredited agents. They will contribute to a common understanding and concord; they will obviate mutual conflict or jealousy; that is all.

(b) Conflict of Opinion.

79. But with the growth of the constitution, con-

flict of opinion is bound to arise, and we have to consider the possible remedies in such case. We may—

(1) provide a joint meeting of the two Houses. This is precluded from the circumstance that one is a law-making body, and the other is not. It will be upsetting the entire plan and meaning of the new Constitution.

(2) make the opinion of the Representative Assembly binding on the Legislative Council in all legislative measures referred to it, under certain test conditions. This mandatory referendum is yet too early.

(3) reduce the Legislative Council to the position of a mere Committee of the Representative Assembly by giving the majority of seats on the Legislative Council to the members from the Representative Assembly. Still, a cleavage would be bound to occur unless these are made mandate-bearing delegates. And the Representative Assembly under this scheme would be neither an enacting nor a referendum body, but a cross between the two.

(4) throw the responsibility of accepting or rejecting the opinion of the Representative Assembly on the Government. This is inevitable. But some reservations are necessary. No Government should be placed under the necessity (or the temptation) of playing off one constituted public power against another. A party Government in power might conceivably discount (and defeat) the Legislative Council through the Representative Assembly and the Representative Assembly through the Legislative Council, but a Unitary Government which is the common centre and common source of the enacting as well as of the referendum function will, in this political game, hardly have any motive in forsaking the banker's place for the gambler's seat.

The ultimate safe-guard will lie in a mutual understanding. No dead-lock or block would be possible when the separate functions are clearly defined, *viz.*, of initiation and reference on the one hand, and of formulation of law and policy on the other, each organ being recognised as having primacy (or priority) in its own place and function. This, joined with the intermediary function of the Government, and the growing momentum of the Representative Assembly in its own proper sphere

of *initiative-cum-referendum* with the gradual extension of the suffrage to the body of the people, will solve the problem.

80. The majority of the Committee passed the following Resolutions on the subject :—

(1) In respect of every important measure of legislation introduced in and passed by the Legislative Council, which is not urgent, and which has not been included in the Legislative Programme presented to the Assembly, the Representative Assembly should be consulted before the Bill is submitted to His Highness the Maharaja (Messrs. Matthan and Abbas Khan dissenting.)

(2) After consulting the Assembly, it may be left open to Government to adopt such course as it may consider proper according to the circumstances of the case, *i.e.*, whether to submit the Bill as passed by the Council to His Highness with the opinion of the Assembly, or to place the opinion of the Assembly before the Legislative Council for further consideration of the Bill, making such amendments therein as it may consider necessary in the light of the discussion at the Representative Assembly, before the measure is submitted to His Highness, or to drop the original Bill and to place a new or amended Bill before the Council, or to adopt any other course that it may consider proper. In the case of bills brought forward by the non-official members which have received the sanction of the Dewan, the general principles as sent in by the member shall be placed before the Representative Assembly at its next Session before the Bill is introduced in the Legislative Council.

81. This was also the substance of the first formulation of the Chairman on the subject, but with a view to provide additional constitutional safeguards, as he thought, in certain contingencies, he further elaborated the proposals on slightly different lines. His second set of proposals were acceptable to Mr. Venkatesaiya, but the majority of the Committee were of opinion that they were unnecessary. These proposals may be summarised thus :—

Ordinary Procedure.

82. The general principles of every Bill announced in the Legislative programme of the year, and ordinarily

of every important legislative measure, will be placed by Government before the Representative Assembly before the Bill is passed through the Legislative Council, and the opinion of the Representative Assembly will be communicated by Government to the Legislative Council.

83. If the Representative Assembly agree to the general principles, and if the Bill is passed by the Legislative Council without such amendments as to the Government may appear to be in conflict with the principles thus approved, it will be submitted by Government to His Highness.

84. If the Bill is amended in the Legislative Council in a way which the Government deems to be in conflict with the general principles as approved by the Representative Assembly, the Government may at its option consult the Representative Assembly on the amendments before submitting to His Highness the Bill as passed by the Legislative Council. The opinion of the Representative Assembly when so consulted will also be placed before His Highness.

85. If the Representative Assembly amends or rejects the general principles, the Bill may be proceeded with in the Legislative Council unless the Government exercise the option of abandoning or disallowing the Bill, and if the Bill is passed by the Legislative Council with or without amendment, the Government will submit to His Highness the Bill as so passed together with the opinion of the Representative Assembly.

Procedure in other cases not deemed urgent.

86. When an important legislative measure, not deemed urgent, and not previously announced in the legislative programme, is introduced in the Legislative Council without previous discussion in the Representative Assembly, the procedure should be as follows:—

At the next following Session of the Representative Assembly, the Bill will be placed before the Assembly for discussion and opinion as to its general principles:—

(*a*) If the Representative Assembly agrees to the general principles, the Bill as passed by the Legislative Council will be submitted by Government to His Highness with the opinion of the Representative Assembly.

(*b*) If the Representative Assembly amends the principles of the Bill, and if the Government introduce in the Legislative Council a Bill embodying the amendments, and if this Bill is passed without substantial amendment, it will be submitted to His Highness. The Bill as originally passed by the Legislative Council will not be so submitted. In other cases, the Bill as passed by the Legislative Council will be submitted to His Highness with the opinion of Representative Assembly.

(*c*) If the Representative Assembly reject the principles of the Bill, and if the Government introduce in the Legislative Council another Bill on the subject in view of the discussion in the Representative Assembly – the original Bill as passed by the Legislative Council need not be submitted to His Highness, and the new Bill will be placed before the Assembly for discussion and opinion as to its general principles.

87. In such cases, an emergency Regulation may if necessary, be framed by the Government, which, if it receive the assent of His Highness, will have force of law for a fixed term not exceeding a year.

88. If no such Bill is introduced by Government, the original Bill will be submitted to His Highness with the opinion of the Representative Assembly. In the case of a private member's Bill which has received the sanction of the Dewan, a statement of general principles as sent in by the member shall be placed before the Representative Assembly at its next Session before the Bill is introduced in the Legislative Council.

89. In all cases, the opinion of the Representative Assembly on any legislative measure in which it has been consulted shall be reported by the Government to the Legislative Council.

(ii) *Relations to the Government.*

90. The Dewan will be President of the Representative Assembly. Being also President of the Executive Council, he will be a link between that Council and the Assembly. The other members of the Government will be *Ex-officio* Vice-Presidents of the Representative Assembly. The Government may further nominate officials to attend

the sittings of the Assembly and take part in the discussion, but they will have no right to vote. A non-official President of the Representative Assembly may come in course of time. But in its present stage, the Representative Assembly will gain in influence and prestige as well as in efficiency by the Dewan's Presidentship. And so far as the Representative Assembly makes representations to Government, the presence of the Dewan will always be desirable.

91. The Government will be the medium of communication between the two Houses, and what is of fundamental constitutional import, it will serve as the *buffer* between them, and will require tact and vigilance in warding off collisions and minimising conflict. This is one of those onerous responsibilities which a Government has to face with the political advancement of the people.

II. Strength of the Assembly.

92. We recommend that the strength of the Assembly be fixed at 250. Item 3 of the terms of reference to the Committee is as follows :—

"The announcement fixed the strength of the Representative Assembly at 'about 200.' The principle upon which the reduced strength has been suggested is that with a view to enable the Assembly to perform its more enlarged and more responsible functions efficiently, it is necessary to have a reduced number. Consistently with this principle the Committee will be at liberty to propose the strength of the Assembly at a figure which need not rigidly be limited to 200."

93. Thus a reduction in the existing number (of over 280) is desired. After a considerable discussion of divergent views, the Committee agreed as a compromise to fix the number at 250.

94. It may be noted that in 1891 the maximum number of members was fixed at 351, and in 1919 at 278 rising to 288.

95. The real significance of the number in this case is that it decides one way or other the place and meaning of the Assembly in the new constitution, as well as the

line of its future development. Those who would make the Assembly a Chamber of Legislature (sole or with a companion), would cut down its numerical strength to 125 or 150. It is not thought practicable to secure 250 or even 200 *pucca* legislators from the people's ranks under present conditions, especially if this is to be over and above the complement in the Legislative Council. The possible schemes on this basis would be two Chambers (the Legislative Council and the Representative Assembly) of 50 and 125 members each, or one Chamber (Representative Assembly) of 150 (or even 200) members. But the announcement fixing two Houses and a strength of not less than 200 for the Representative Assembly precludes these alternatives. Accordingly, the only way in which the object of converting the Representative Assembly into a Legislative Chamber could be attained would be to reduce the Legislative Council to the position of a mere Committee of the Representative Assembly. Thus a Representative Assembly of 250 members might depute ten per cent (25) of its members to the Legislative Council, and the other moiety of the Legislative Council might be made up of nominees of the Government, in part officials, and in part non-official members representing minorities and special interests. But in reality the scope and status of the Representative Assembly and its relation to the Legislative Council under the announcement rule out such a scheme. And, as has been pointed out by us, the Representative Assembly has better possibilities still.

III. Electorates.

96. The 250 seats have been distributed by us as follows:—

Urban Constituencies with a population of 5,000 or above, (with the exception of Melkote, the population of which on the date of the Census was adventitious)	37
Rural Constituencies	163
Special Interests	15
Minorities	35

97. We propose that the total number of 250 should not be liable to reduction. As regards the 15 seats reserved for special interests and 35 seats for minorities we have decided that vacancies on account of default of

Associations should be filled by nomination, seats reserved for minorities and special interests being kept intact or separate.

98. This works out roughly at a proportion of 1 member to every 23 thousand of the population of the State.

(i) *Rural and Urban Constituencies.*

99. According to the Census of 1921, the total population of the rural constituencies (excluding Yelandur and Sringeri Jahgirs) is 5,375 milles, and this gives an average of about 33 thousand persons for each representative member in the rural areas. The total population of the 31 urban constituencies (with 37 members) comes up to 43 milles, which gives an average of about twelve thousand persons for each member. The representation-value of the citizen is as 11 to 4, or about 3 to 1, in the case of the urban as compared with the rural areas.

100. Among the urban areas, the proportion is 1 member to nearly 30 thousand persons for Bangalore, to 21 thousand for Mysore, and 8 thousand on the average for the other 29 town constituencies. These last will have one member each, and vary in population from 5 thousand to 17 thousand, with an average, as just noted, of about 8 thousand. The two towns (Mysore and Bangalore) with a population above 50 thousand will have an average of 25 thousand inhabitants to 1 member, which is three-fourths of the rural quota.

101. It will be seen that the representation-value of the citizen is as 12 : 4 : 3 if we compare the 29 municipalities, the two cities, and the rural constituencies. If urbanisation should in reason confer greater representation-value, the two cities should have come before the 29 towns. If, on the other hand, on the principle of protection or protective education, the weaker rural population should be allowed greater representation-value, the order should be (*diminuendo*) rural areas, town municipalities, cities, but this is not the order under the proposed arrangements. Again, the voting strength under the existing or proposed franchise is not before us, and could not be obtained (or obtained in time), but there is no reason to believe that the representation-value of the *voter* under our proposals, would be found to follow either of the two normal orders.

In the British Indian Provinces also, there is no consistency or uniformity in this matter.

102. (3) On the approved orthodox basis of democracy, the procedure would be first to fix a quota of population (or of voters) *per* member and then to assign the number of members to each of the territorial divisions according to this quota, or, if preferred, to fix the total number of members first, then to arrive at the quota by dividing the population (or voting population) by this number, and finally to apportion the members among the territorial divisions according to the quota. The first alternative provides for the automatic increase of the representation in response to the growth of the population.

103. Without passing any opinion on the soundness or otherwise of the abstract principles of "*one man, one vote*," and "*one constituency, one member*," the Committee is of opinion that besides population, we must, under existing conditions, consider voting strength, index of literacy, revenue and incidence of taxation, and territorial extent or area, in apportioning the number of representatives among the different areas, whether urban or rural. In fact, the existing classification of taluks and sub-taluks with 1, 2 and 3 members, was made on a consideration of some of these factors, and in the absence of up-to-date information, the Committee has been constrained to proceed on the basis of that classification, except that the minor municipalities have been mostly merged in the rural areas in which they are situated. But the Committee wish to add that the classification (and distribution) of constituencies, rural and urban alike, may have to be revised and brought up-to-date, in the light of fuller information, with a view to redress inequalities as well as to improve the quality of the vote, without breaking up natural connections, and without gerrymandering.

104. Various alternative Schemes are possible :— (1) There may be one-member, two-member, three-member constituencies, and so forth, on the basis of population or voting strength, *e.g.*, towns containing 50 thousand inhabitants or more may be given 4 members, between 50 and 20 thousand 2 members, between 20 and 5 thousand 1 member. This rough but simple plan we have virtually adopted for our urban constituencies.

(2) A certain weight may be attached to the urban population in comparison with the rural population, or the opposite. We have given to the urban population nearly three times as much representation *per capita* as to the rural population.

(3) The old *Jacobian* plan was to give a third of the representation to population, a third to territorial extent or area, and a third to revenue or taxes paid. This is to attach equal weight to these three factors, and to apportion the entire representation in *three distinct parts accordingly*. This is not a happy arrangement.

(4) The quota principle based on "one man, one vote," if not also on "one constituency, one member," on the basis of *population*;

(5) The quota principle on the basis of voting strength;

(6) An apportionment according to population (or better, the square of the population) as multiplied by the index (or incidence) of literacy, of taxation, and of urbanisation—this is the scheme preferred by the Chairman.

(ii) *Special Interests.*

105. In the general survey in the introductory chapter we have explained the place and meaning of this representation of special interests by special electorates in the Mysore Constitution, in the composition alike of the Representative Assembly and the Legislative Council. For the present we have provided for the University, Law, Planting and Gold-Mining interests, Trade and Commerce, Labour and Industries, and Land-holding classes (Inamdars). Special representatives were also
'or Primary and Secondary Education, Co-operative
and Agricultural Labour, but practical difficulties,
in connection with the formation of electorates
h extensive interests, under existing conditions,
lt to stand in the way, and the Committee was
to make any special provision for them.

106. The following points are worthy of note:—

(*a*) *University.*—Under the University, the Fellows and the Registered Graduates would form a mixed constituency. The registered graduates would thus gain a constitutional status not merely on the general franchise but also as

members of a corporation. This will be a first step towards a more popular constitution for the University. At present only the non-official Fellows vote, but the restriction on officials will now be withdrawn.

107. As for *elections to the Legislative Council*,—until the registered graduates share more definitely in the responsibilities of the Senate, to give them the franchise and the power to swamp the Fellows in a joint constituency would be to divorce responsibility from law, and law from responsibility. Accordingly, the Fellows alone will elect the *single* representative of the University to the Legislative Council.

108. (*b*) *Law.*—All the enrolled Advocates of the Chief Court, apart from membership of any Bar Association, will form a constituency.

109. (*c*) *Industries.*—These will be chiefly represented by holders of capital invested in the mill and other industries. We have given one representative to Gold mining and two to other industries.

110. (*d*) *Labour.*—Under existing industrial conditions, the management rests with the Directors and Shareholders. Accordingly, it is necessary to give a separate representation to labour. Under our proposals, Mining labour will have one representative, and factory labour, one.

111. 'Labour' should no longer be kept out of doors. The higher prudence (in the Aristotelian sense) which is but another name for justice demands co-operation of all hands, and certainly of the workers *with* hands in the building up of the Common Weal.

112. So long as suitable constituencies or electorates are not organised, the seats given to Labour should be filled up by nomination.

113. (*e*) Under *Trade and Commerce*, we would give one representation to the Mysore Chamber of Commerce, and one to merchants and bankers throughout the State paying income-tax of or above a certain amount.

114. In all these cases, what really amounts to a *new departure* is that the representation has moved more nearly towards primary elections. Intermediaries, like Chambers, Bars and the like, have not been insisted upon as a *sine qua non* for the recognition of function-groups.

or interest-groups. This is in consonance with the character of an *initiative-cum-referendum* body, which must hark back, as far as possible, to the primary assemblies, merging or emerging, in and out, at will.

115. We have made a beginning with these interest groups, but of course with the more complex differentiation of functions and interests (*e.g.*, of vocations and professions) in the body politic, a larger share of the representation will be claimed by this new teeming life. And, in fact, as the voluntary Associations for the protection of minorities, to which we have given a facultative representation, gradually work themselves out of existence, their vacant places will be taken by the new groups of interests and functions which they will help to create and organise in the minority communities they represent. They will make way for their own natural and legitimate successors.

116. In view of existing conditions, the Committee recommend that not more than fifteen seats be set apart for the representation of special interests either through recognised Associations or other bodies, or by nomination by Government where necessary.

117. The Committee further recommend that Associations through which representation is sought by any special interest should satisfy the same conditions as may be prescribed for Associations in the case of minorities.

(iii) *General Observations.*

118. The two main objections to the representation of interest-groups and function-groups in a constitutional body are—

(1) the objection against plural voting; and

(2) the objection against the creation of subordinate centres of interest within an undivided and indivisible whole.

119. (1) Plural voting based on plural franchise is not open to the objections against such voting on one and the same franchise. For example, two or more votes to a man on the same ground, be it of residence or of property moveable or immoveable, especially if it should be both under primary or both under election, may not be a very desirable

option—but to exclude all diversity of claims and interests in the name of an abstract equality and indifference between man and man, or to meet the fancied requirements of individual liberty, is wrong alike in theory and in practice, and fortunately this barren perfection can never be attained. The ultimate (and as yet far distant) goal seems to be this:—while one vote will be secured to every adult citizen, a sliding scale above this minimum will serve as an index to the man's social functions and interests – an arrangement which seeks to reconcile the proportions of natural with those of moral justice. This is the same principle as has been adopted in recent settlements of wages and of taxation, and it has laid the dust of long-standing controversies on these subjects.

120. (2) The objection from subordinate centres of interest breaking up of the integration of interests in the State rests on a misconception. Those would be no rigid or stereotyped groups. On the contrary, the existing franchise and grouping are more inelastic, favouring as they do passive possession or vested interest such as property or residence. Function groups are more fluent and dynamic. And while birth, property and other possessions may tend to class-feeling and class-exclusiveness, the ties of common vocations or occupations, which are services rather than possessions, habitudes rather than properties, strengthen, and not impair, the sense of the commonweal and the filial relationship to society as the common parent.

(iv) *Minorities.*

121. (*a*) *The Problem of Democracy—the Tyranny of the Majority.*—The problem of minorities is the outstanding problem in the theory and practice of a democratic constitution, second in interest and importance only to the problem of devising checks on the absolute irresponsibility of the will of the majority in such a constitution.

122. (*b*) *Minorities of Opinion or Interest* versus *Communal Minorities.*—Minorities of opinion or of interest, such as we may have in a Parliamentary Assembly or a Commonweal, are, however, to be distinguished from minorities (or sections) divided from one another by impassable barriers. The former are incidental to the evolution of opinion or the consolidation of interests, and are so far

normal and necessary. It is true that, under the prevailing electoral methods, all minorities tend to be under-represented, and majorities over-represented, in proportion to their relative strengths—the results of the last Parliamentary elections in Great Britain are an illustration to hand—but in the case of minorities of opinion or interest, a minority of to-day hopes to be the majority of to-morrow, by propaganda and influence. And proportional representation will give them the chance of securing as much political weight, *especially in casting the scales*, as is their due on the basis of numbers (or of the other elements that enter into the franchise). But exclusive minorities (or sections), on a religious, ethnic or communal basis, such as we find in so many Indian Provinces, present a far more difficult problem.

123. (*c*) *Minorities distinguished from Interest and Function Groups.*—The function or interest groups which we have formed into electorates, are, as has been pointed out, fluent and fluid, and form no *imperium in imperio*, no independent centres of the citizen's loyalty or allegiance, conflicting with the growth of the national sentiment or with a sense of the Commonweal. They will work for co-operation and solidarity, because society is the common centre of reference and of origin for all these functions.

124. (*d*) *Community Minorities in India.*—On the other hand, the communities are so many independent and original centres. There are congeries of creeds and customs that sunder. A composite nationality (or a mixed radicle) of the Indian stocks cannot grow up in the absence of fusion by mating or miscegenation. The anthropologist who calls the Indian "home dissidens," the dividing (and much divided) man, does not speak without the book. This is not all. There are different systems of personal law and social status, and it may be plausibly contended that these should be represented *as such* in every *law-making* body which may by its acts affect the personal law and status.

125. (*e*) *The Demand for Protection.*—The demand for the protection of minorities (what constitutes a minority will be considered presently) is therefore not to be brushed aside, as the outcome of crass selfishness or base fear. It is of the same origin (and character) as the protection

which Nationalists demand for nascent or infant industries in the economic sphere, and the answer to the demand must be the same. There is a false protection and a true, and much discrimination is necessary so that the main body (the consumers or the commonweal) may not be injured, and the protected weakling may not itself be doomed to parasitism or pauperisation. The gain of one is the gain of both, the loss of one is the loss of both.

(*f*) *Protection—True and False.*

126. (i) *Majority Rule—an Abiding Fact.*—The rule of the majority has come to stay. Whether an oligarchy, an aristocracy, or any other form of minority rule, might not be better, is no longer the question. Legislation (and administration) must be governed by the collective will, which, if ascertained on the democratic principle, will be the will of the majority. A minority is a minority and the position cannot be reversed under representative Government. No doubt, even a communal minority may grow in voting strength, in the absence of universal adult suffrage, by adjustments of (or to) the franchise, and even the laws of population may come to the rescue (as in the case of Mahomedans and Christians *versus* Hindus in India).

127. (ii) *False Remedies.*—It would be no remedy to plant a minority or minorities perpetually in a stronghold from which they can overthrow or successfully obstruct the will of the majority.

If oligarchy is no remedy, neither is perpetual class war and conflict.

128. (iii) *Questionable Methods of Representation.*—Any Methods of Representation which, aiming at the protection of the minority, prepetually breed (or accentuate) strife, or widen and stereotype the cleavage, are bad for the State as a whole, and bad for the minority itself, which, however represented and even over-represented, will, so far as it is a standing minority, inevitably go to the wall under the rule of the majority, in a fight *a outrance.*

129. (iv) *Opinion of the Majority of the Committee as to certain Methods.*—Among the instances of questionable

methods, in the opinion of the majority of the Committee, are the following:—

(1) Exclusive communal electorates:—Naturally this would go along with communal candidates for such electorates, even if this should not be prescribed, as it is obvious that a candidate of an alien community can hardly hope to woo such a constituency with success.

The majority of the Committee are against communal electorates. Some of us think that once this cleavage is introduced, it would very soon enter into alliance with those passions "the greed of material gain and the fear of material loss" which, deep in the breast, in every community, strive against the more generous impulses of common fellowship and disinterested sharing, and the result would be a perpetual social war (under the name of an armed peace or armed neutrality) on the usual plea of an effective preparedness.

The Chairman would compare it to the outbreak of a 'fungoid,' a cancerous growth that would send its offshoots into all the social tissues, presently breaking out in local bodies, in chartered corporations like the Universities, in nurseries of the coming generation like Schools and Colleges, in the civil services and bureaux, and finally, in the organisation of industries! Examples? Examples are always invidious, and *sometimes* unnecessary.

(2) Reserving seats for communal candidates in plural constituencies but with a general electoral roll.

If the preceding alternative would create squares within squares, and circles within circles, this would create a system of eccentrics and epicycles tagged on to the central wheel. And all to no purpose, because a communal candidate so elected would often be communal only in name.

130. Both these schemes of political organisation would imply a reversion, in the Chairman's view, to the biologically inferior type of the compound or 'polymorphous' organism, and will have scarcely any survival value (or chance) in the political world of to-day, in the face of the internecine struggle for existence which imperatively calls for the central co-ordination of the higher organic types. Our social or political history need not 'reproduce' the biological failures.

He would add that, from the standpoint of a scientific study of social evolution, such a Polity is to the defunct feudal State of privileged orders what an identured labour system is to the old slavery.

131. In this connection the majority of the Committee would invite attention to the following remarks on the subject in the Montagu-Chelmsford Report (Para 232)—

> "For the representation of other minorities should we prefer nomination. * * * * There may be cases in which nomination proves an unsuitable method of securing the representation of minorities. In such cases the Committee should consider whether the needs of the case would be met by reserving for a particular community a certain number of seats in plural constituencies but with a general electoral roll. We are inclined to look on such an arrangement as preferable to communal electorates."

132. Although the Joint Report condemned the system of communal electorates from the ideal point of view, the authors of the Report recognised, owing to the pledges given in the past, the necesssity for the communal representation of Mahomedans in Provinces where they contituted a minority of electors; and the Southborough Committee accordingly recommended communal representation for Mahomedans, Sikhs, Indian Christians, Europeans, and Anglo Indians "in the hope that it will be possible at no very distant date to merge all communities into one general electorate." (Para 17 of the Report).

133. It will be seen that the decisive factor in the adoption of a system of communal representation by separate electorates (or *elections*) in British India was a promise given to a particular community for the purposes of conciliation at a moment of estrangement and panic. This led to the Hindu-Musalman compact (*or concordat*) at the Lucknow Congress, and set in motion the whole train of subsequent developments. But this constraint, which is deplored by Committee after Committee and in Report after Report, in connection with the Reforms in British India, does not exist for Mysore--On the other hand,

Mysore possesses the privilege of a unitary constitution, in which the Head of the State as the centre of reference is a symbol and guarantee of the solidarity of the State and its people. The best protection of the communities against one another is the protection of the Common Head, a Head who is "incorporate" in the All, and does not stand outside by the necessities of a dualistic constitution and a Party system of Government. Accordingly so far as the redress of inequalities in representation is concerned, compensatory nomination by the Head would be not only free from the difficulties which might beset it elsewhere, but a normal remedy, comparable to that recuperative power which is the virtue and potency of every living organism.

134. At the same time, the Committee fully recognise that such a provision can only be of a supplementary (and compensatory) character and must also be a strictly limited one. Accordingly, the Committee recommends that only ten seats be set apart for the representations of minorities by nomination by Government. These observations do not affect the provision for nomination in default of Associations.

Messrs. Subbaiya, Venkatesaiya and Srivinasa Rao thought that there should be no provision for nomination by Government.

135. (*g*) *Rejection of Special Electorates by the Committee.*—Only one member (Mr. Abbas Khan) was in favour of special electorates. He proposed that "in the case of Musalmans their interests on the Representative Assembly may be secured in fixed ratios (to be determined hereafter) by special electorates on lines similar to those in force in British India in general, and Madras Presidency in particular."

(*h*) *Method Recommended by the Committee. Facultative Representation.*

136. *Preliminary Observations.*—Our problem, it will be seen, is to secure protective, (and if need be compensatory) representation to communities not *qua* communities, but only *qua* minorities, in other words, to any

community standing in need of it, be it Mahomedan, Christian, Panchama or any other, not by virtue of its being governed by a definite body or corpus of personal law, or its being a social segregation-group, but only so far as it is a body likely to be swamped at the polls, or discriminated against in law or administration. The Census classification gives the communal groups—but the question is—what constitutes a communal minority ? Or, what is it that decides? The answer, the only possible answer, is—the verdict of facts. As in all concrete social investigations, *e.g.*, those relating to prices, wages, etc., we can note the relevant factors—we can even discuss formulæ, and plot curves, but the actual determination must be left to the resultant fact in the price list, the wages schedule, or the election list. Indeed, if 'political minority' be defined with reference to the degree of self- protective capacity in a community, as judged by the success or failure in securing adequate representation in a constitutional Chamber of State, in point of numbers or in point of influence, then there can be no doubt that 'minority' in this technical (political) sense depends on the relative numerical strength of a community, its earning capacity, *per capita* and the actual distribution of that capacity, its index of literacy, and finally, its position in the scale of social credit or respectability. The Chairman stated in Committee that on the strength of a tentative formula for the measurement of potential (and prospective) self-protective capacity by a product in which he gave one dimension to population, one to the number of voters within the range of probability, and one to two to the index of literacy, he had arrived at an interesting result, on the basis of the Mysore Census statistics of 1921, *viz.*, that the communities in the State fall into three markedly distinct classes,—the first comprising Animists, Jains, Vaisyas, Banajigas, Kurubas, Indian Christians, etc., at the bottom of the scale,—the second, Panchamas, Mahomedans, Brahmans, etc., in the middle,—the third, Lingayats and Vokkaligars at the top,—but this theoretical result indicates only probabilities in the long run, which would operate after the political education of the people under the new conditions had begun. This shows only the gravitation of the Mysore political system—not the actual stratification to-day. It

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points to a coming displacement or displacements during the transitional stages before we reach the ultimate goal, of universal suffrage (following on universal literacy) and perhaps also, at the end of a long vista, a free social *panmixia* which will break up the segregation-groups. For immediate practical purposes we must look to the actual results at the elections to determine which of the communities are 'political minorities' (in the sense of failing to secure their due quota of representation at the elections), and thus have a claim to some measure of protective (and compensatory) representation. Any community which secures a fair quota at two successive elections may be said to have passed its nonage or minority. The Committee concurs in this conclusion, Messrs. Chandy, Matthan and Abbas Khan dissenting. Again any community may choose to give up an exclusive share when as a part it feels itself in tune with the whole. It is the old question of *Samashti* or *Vyashti*, the indivisible whole or the separable parts, in the patrimony of a joint family. But while the cohesiveness of the family can and will take care of itself, whether you go with Vijnanesvara for the primacy of the former (Samashti) or with Jimutavahana for the primacy of the latter (Vyashti), the cohesiveness of a Polity as a 'hyper-corporation' demands the primacy of the corporate sense.

137. On this view, every community is a *possible* 'minority,' but for the purposes of legislation we take into consideration only those communities which number twenty thousand or more. Smaller communities—a considerable number—we leave out of consideration in this regard —*de minimis non-curat lex*, as the old jurisprudence has it!. We could have combined them in groups of 20 thousand, but it was hardly worth while to show so much preciosity. And we may recall in this connection that our quota is 23 thousand *per* member for the Representative Assembly.

138. Besides, we would recognise sub-divisions among Mahomedans and others as freely as those among the Hindus, wherever they are within the numerical limit.

(*i*) *Facultative Representation by Associations.*

139. Premising all this, our scheme is as follows:—

Minorities.—For the adequate representation of minorities through Associations and by nomination, 25 seats

have been reserved for Associations, and ten seats set apart for nomination, if necessary, by Government, such minorities being communities numbering not less than twenty thousand persons as classified in the Census. In default of Associations, the number will be filled up by nomination.

140. The following principles in this connection were settled by the Committee:—(Mr. Abbas Khan dissenting.)

(i) Any minority community which numbers not less than twenty thousand persons and which is not represented in the Representative Assembly through the general electorates shall not be denied representation through an Association, if it applies for it.

(ii) In the apportionment of seats among minority communities by means of Associations, the following facts should be considered by Government:—

(*a*) Numerical population;
(*b*) Voting strength; and
(*c*) Literacy.

Messrs. Abbas Khan and Chandy desired that the representation of minorities on the average for the last three triennia should also be one of the factors for consideration by Government along with other factors, but the proposition was not accepted by the Committee.

(iii) Associations through which representation is sought in the case of minorities must satisfy the following conditions (Messrs. Chandy, Matthan, Ramaswami Chetty and Abbas Khan dissenting in regard to some of the conditions):—

(*a*) An Association must have been formed for the furtherance of one or more specific interests of the community or for the general advancement of the community.

(*b*) It shall be registered under the Societies Registration Regulation 1904.

(*c*) When any minority community has an Association with branches, or has two or more such Associations, two or more of them may, when necessary, be grouped together by Government for the election of the member or members to be returned by the minority.

(*d*) The number of members on the roll of the Association or Associations grouped together shall not be less than one hundred members—(other than Government officials)—or such other figure as may from time to time be fixed by Government.

In cases where there is only one candidate, the minimum number of votes required for the return of the candidate will be fixed at twenty-five per cent of the number of members of the Association, or fifty members whichever is less.

(*e*) Meetings of the Managing Committee of the Association shall be held at least once in three months.

(*f*) Bye-laws of the Association and all subsequent changes as and when they are made shall be submitted to Government.

(*g*) Six months before every triennial election, the Register of Associations—to which the privilege of deputing a member is granted—shall be revised by Government after such enquiry as the Government may deem proper; and such enquiry is to ensure that the privilege is exercised by Associations doing real public work.

(*h*) The application for recognition should be made to Government by the Association concerned.

A Society registered under the Co-operative Societies' Regulation may also be recognised, provided membership in the Society is confined to the minority community.

(iv) Pending the consideration and disposal by Government of the final report of the Committee, Government may continue to grant representation to the existing Associations.

(*j*) *Characteristic Features of the Scheme—its Advantages.*

141. (1) The first point to note is that there is no discrimination in favour of (or against) any particular community. Protection is equally held out to all, and will, within the limited resources, be available to all, according to the measure of their respective needs and in view of the strength of their respective claims. This is the bed-rock. All exclusiveness is shut out, and this will tend to allay communal jealousies and suspicions.

(2) The scheme stimulates a healthy communal activity for social service and welfare-work by holding out political recognition to voluntary efforts. It will be a force for the political education of the backward electorates, without which all extensions of popular Government will be not only a *delusion* but also a *snare*.

(3) The scheme provides for the grouping of associations and branch associations in the case of a widely scattered community, and consequently for voting by post. This will also make for an alert and awakened political consciousness. We have for the present fixed a minimum roll of a hundred members for the facultative associational franchise, and a minimum poll varying from 25 to 50 votes for an uncontested election. This of course is subject to the proviso that Government may alter the minimum. The Chairman is strongly of opinion that with the recognition of associational groups and postal votes these minima ought to be substantially raised in the very near future, as a fillip and a stimulus to the public-spirited citizen.

(4) The three modes of representation, through general electorates, associations, and nomination, have been carefully adjusted, in respect of the number of seats, to the requirements of the situation. Past experience (so far as it can be a guide, in the change from secondary to primary elections), and an independent consideration of the constituencies and their composition, lead us to expect at least ten to twelve communities finding their way to the Assembly through the public entry (the general elections),—and of the twenty remaining communities (of over twenty thousand), even if one seat should be given a-piece to twenty different communal associations, there will be five more under this facultative election, which, together with the supplementary (and compensatory) ten by nomination, if necessary, will be a sufficient provision not only against non-representation, but also against any inequitable under-representation of any particular community. What the scheme provides is the indispensable minimum, with a sliding scale of increments which may be earned, as the result of earnest effort, and the conditions are such as to encourage the earner. A minimum and a sliding (or differential) scale is now the classic device for solving problems of distributive justice. Messrs. Chandy, Matthan

and Abbas Khan think that the number of seats allotted for minorities is not sufficient; while Messrs. Venkatesaiya and Srinivasa Rao think that the number is too large.

Mr. Matthan thinks that with the increasing political activity of the people, and the abandonment of secondary election, the expectation that ten to twelve communities will find their way to the Assembly through the general electorate is not likely to be realised, and that therefore the scheme of representations recommended by the majority is defective and unsatisfactory, in that it does not ensure to the minority communities an adequate number of seats. Messrs. Chandy, Ramaswamy Chetty and Abbas Khan agree in this view.

(5) Finally, the scheme will automatically work itself out. In the first place, any community may at any time choose to share in the collective life, in other words, may restore itself by a supreme act of acceptance and faith to communion in the catholic life of the body politic. Again, as soon as, by the agency of voluntary associations, the political education of any community progresses far enough to put an end to its non-age or 'minority' by securing to it a fair share of representation-cum-influence, its claims must yield at the triennial revision of the register to those of its weaker brethren. On the one hand, with advancing political consciousness (and this is, of course, the fundamental basis of all advances like the present towards a popular constitution)—no community will voluntarily prefer to stand isolated; on the other hand, as the general educational index and level go up in course of time, the introduction of proportional representation on one of the simpler plans will give to every 'minority' (of interest, opinion, or any other formation including the communal) a fair field and no favour. Thus this wound of Fate, this solution of continuity in the body politic, will heal up in nature's own course. If new minorities should spring up, the remedy will always be there.

142. The Chairman wishes to add the following observations on the constitutional aspects of the scheme of minority representation here proposed. The gist of the matter is this:—

A political minority as we have defined it depends on various factors, such as numerical strength (either of

the community concerned or of the voters therein), the degree of literacy, the level of political consciousness, all resulting in continued non-representation or under-representation.

What we propose is that so long as the condition of the people precludes adult suffrage and proportional representation, the mere fact of such non-representation or under-representation for a recognised social segregation-group should give a *prima facie* (and in one case, an indefeasible) claim to the franchise. The various forms of the franchise, as recognised by us—property, literacy, active citizenship, membership of an interest-group, and lastly membership of an un-represented segregation-group,—are all general and unrestricted in the sense of being open to all individuals satisfying the conditions laid down,—but these conditions of course differ in the different cases, being in the nature of tests to ensure those paramount ends of political existence (and partnership), for the sake of which adult suffrage is provisionally denied to the individual citizen. The conditions are—a certain 'stake' in the country in the case of the property franchise, a certain level of intelligence (and efficiency or personality) in the case of literacy, a certain kind or measure of active functioning or interest in the case of the active citizen and the interest-group, and a certain authentic representativeness in the case of representatives of the un-represented or under-represented segregation-group. And the State provides a suitable machinery for inquiry in each case to satisfy itself that the claimant to the vote fulfils the conditions thus laid down. That is the meaning of the rules regarding the recognition of associations for minority representation which have been here recommended.

143. The Chairman therefore desires to put on record his deliberate opinion that a facultative franchise given to voluntary associations *without proper safeguards (including registration and all the liabilities that registration brings with it)* would be no constitutional device at all, but an 'un-constituted and un-constitutional' charter to "un-chartered freedom." To the minority communities themselves the consequence would be disastrous. Without such guarantees, the system may be so worked as to deprive them of all incentive to self-help and all

impetus to betterment. Safeguards are therefore necessary, but care should be taken to see that the safeguards not only do not impose any checks on the free growth of the weaker communities, but on the contrary inevitably stimulate such growth. The Chairman is of opinion that the facilities here provided for the grouping of associations scattered over the country—thereby reviving a normal feature of the time-honoured Indian organisation of *Shrenis* and *Pugas*,—together with the provision for the postal vote—are well calculated to lead to the desired result.

144. (*k*) *Suggestions not Seconded in Committee.*—Mr. Abbas Khan proposed that in order to secure adequate representation for Mussalmans, the number of seats to represent their interest in the Representative Assembly may be fixed at the same proportion as in force in the Madras Presidency, where thirteen seats out of ninety-eight elected seats have been allotted for Mussalmans. This proposition fell through for want of a seconder.

145. Mr. Abbas Khan also proposed that in the case of Christians the number of seats to represent their interest may be fixed at the same proportion as in the Madras Presidency, *i.e.*, seven out of ninety-eight elected seats. This proposal also, not being seconded fell through.

146. (*l*) *Facts relating to some of the Minorities.*—(1) *Mussalmans.*—From the Census Tables of 1921 we have found that the percentage of literacy among Mussalmans is double that among Hindus, and that in the following constituencies the ratio of the Mussalman population to the total population is not less than ten per cent:—

		Per cent.
1.	Bangalore City ...	... 11·1
2.	Mysore City ...	... 16·4
3.	Narasimharajapura Sub-Taluk	... 10·2
4.	Kumsi Sub-Taluk ...	... 15·0
5.	Shimoga Taluk ...	... 13·0

147. In the three constituencies of Bangalore City, Mysore City and Shimoga Taluk, probably at least one Mussalman candidate could be put forward with a fair chance of success by the local political (or other) organisation of the Mussalman community; and in the case of single member constituencies like the Kumsi and Narasimharajapura Sub-Taluks, a Mussalman member could be

returned by the local Association representing the minority community, if such associations are formed in these places, similar to those in Channapatna and Molakalmuru Taluks, where there is a large Mussalman population, and where such associations have been formed and are returning members to the Representative Assembly. We append below a list of other constituencies, in which the Mussalman population is not less than five per cent of the total population, to which the above considerations would therefore be applicable in some measure, and from which Mussalman members may be expected to be returned by associations or general electorates in course of time (within the limit of the total number allotted for the representation of minorities in the first case):—

	Mussalman populations	Percentage on total population
I. *Bangalore District.*—		
(1) Closepet Sub-Taluk	4,562	9·1
(2) Hoskote Taluk	6,500	8·6
(3) Channapatna Taluk	6,986	8·4
II. *Kolar District.*—		
(4) Kolar Gold Fields, City ...	7,205	8·2
(5) Kolar Taluk	8,222	9·5
(6) Mulbagal Taluk	6,122	9·1
(7) Srinivaspur Taluk	5,102	8·1
(8) Bowringpet Taluk	5,120	8·1
III. *Tumkur District.*—		
(9) Kunigal Taluk	7,033	7·9
(10) Tumkur Taluk	8,002	6·4
(11) Sira Taluk	4,994	5·4
IV. *Chitaldrug District.*—		
(12) Harihar Sub-Taluk	3,570	9·3
(13) Davangere Taluk	6,082	7·9
(14) Chitaldrug Taluk	6,389	6·5
(15) Molakalmuru Taluk	2,363	6·5
V. *Kadur District.*—		
(16) Chikmagalur Taluk	5,920	7·3
(17) Tarikere Taluk	3,871	5·9
VI. *Shimoga District.*—		
(18) Shikarpur Taluk	4,966	8·9
(19) Channagiri Taluk	6,427	8·4

148. Messrs. Chandy, Matthan, Abbas Khan and Ramaswami Chetty do not think that Mahomedans have a fair chance of being elected by the general electorate in the manner indicated above.

149. (2) *The Cases of the "Panchamas" and the "Animists."*—We have already referred to the Panchamas who constitute more than one-sixth of the total population. Their literacy is extremely low, being only twelve per mille among Holeyas and four among Madigas. The case of the "Lambanis" who form an important tribe of the Animists is even worse, only two per mille among them being literate.

At present one Panchama or Adidravida has been returned to the Assembly through an Association, and vigorous efforts should be made for the political education and increased representation of these classes.

150. In para 24 of their Report, the Southborough Committee stated that they "had been driven to the expedient of nomination for the representation of the depressed classes, because in no case did we find it possible to provide an electorate on any satisfactory system of franchise."

151. The proposals of the Franchise Committee were generally and with some modifications accepted by the Government of India but were considered by the Joint Select Committee of Parliament as inadequate. They stated that the Government of India should be instructed to give such classes a larger share of representation by nomination, regard being had to the numbers of depressed classes in each Province, and after consultation with the Local Government.

152. (3) *The Case of the Christian Minority.*—At present one member is being returned to the Assembly through an Association; and having regard to the total strength of this population, and the percentage of literacy among Christians which is more than five times that among Hindus, we think that increased representation of this minority community is desirable.

153. (*m*) *Further Motions on the Subject.*—After the Committee's resolutions on the representation of

minorities had been passed, Mr. Matthan asked for leave to move the following proposition:—

"That in order to give effect to the resolution of the Committee at the meeting held on 3rd November 1922 about giving adequate representation to minorities and with reference to the resolutions of the 6th and 7th instants, about the thirty five-seats reserved for the representation of minorities through associations and nominations, the Committee resolves that out of the thirty-five seats referred to, the number of seats for members of the Mussalman Community be so fixed as to secure to them a total number of fifteen seats on the Representative Assembly inclusive of those returned by the general electorate."

Leave was refused by seven against four, the minority consisting of Messrs. Chandy, Matthan, Abbas Khan and Subbaiya.

154. There was no difference as regards the object, but the majority felt that this method of realising the object would militate against the fundamentals of the Scheme:—

(*a*) In particular, any special and exclusive provision like this for a single community, would rouse communal jealousy and hostility, and sacrifice the soothing effect which our previous resolutions might otherwise have by reason of their equitableness, catholicity and reasonableness.

(*b*) It would also be inconsistent with the idea of compensatory nomination. The total under-representation (or deficiency) of the different minority communities has to be compensated by nomination out of a limited fund (ten seats), and the distribution of this fund must be left each time to the actual needs in the circumstances of the case; a 'tied' nomination would be meaningless and would fail in its purpose.

155. The minority who could not obtain leave to move the above resolution for discussion by the Committee desires to explain that the principle of ensuring a minimum number of seats sought to be proposed in the first instance in favour of the Mahomedan community could be, and was intended to be, extended to other minority communities, who stand out from the bulk of the population as

distinct social groups; and that the maintenance of the integrity of the scheme accepted by the majority and other abstract considerations should not stand in the way of the recognition of the practical needs of the situation which in this respect hardly differs from what it is in British India. The minority considers that the scheme of "facultative representation" of such communities would, unless accompanied by the guarantee of a certain number of seats to those communities, be unacceptable and produce a sense of injustice and thus defeat the object which the whole Committee have in view of promoting the solidarity of all communities.

(n) General Provisions for safeguarding Minority Interests.

156. (1) *Representation.*—Among these provisions, we have already adverted to the scheme of Proportional Representation.

(2) *Constitutional Safeguards.—Legislation.*—I some cases certain checks on legislation *i.e.*, on the wil of the majority), are provided by an organic or constitu tional law, by a supreme judicature or, it may be, by convention like that which has grown up in British India under the Proclamation of Victoria the Good. For example, in British India, there can be no legislation on religion or religious usages or rites (except, by a well-understood convention, where protection of life and limb, or fundamental social morality, or justice, requires intervention.) Similarly, direct religious or racial discrimination is placed under a ban.

The risk of all such curtailment of the sovereign prerogative of legislation in the constitution of a State is that the wheels of social progress may be clogged, and a dead past hold the living present as in the grasp of 'a dead man's hand' (Mortmain). British India has suffered from grave disabilities in this regard, but the differentiation between religious law and civil law, and between the State and the Church, has been a compensating gain, which makes the Indian Constitution a more advanced one in this respect than many a democratic constitution in the West. The real solution is, of course, decentralisation by means of charters, immunities and lincenses, *e.g.*,

the formation of Social Reform Associations, under the protection of enabling Regulations, which give the members some option in throwing off any disabilities attached to them by their personal law and status. This is facultative law-making, and along with the principle of voluntary groups is bound to revolutionise constitutional theory and practice in future.

(3) *Protective Administration.*—This is at once a remedy and a safeguard. Intensive development (including the development of mental capacity if that is possible, and at any rate of social efficiency), eugenic methods, both negative and positive, and, finally, protective measures of administration (including educational administration) are among the most essential functions of every modern State, and in these matters there should be statutory obligations and provisions in the interest of all backward (and depressed) classes in any society, with the object of bringing about a certain compulsory minimum or level at the cost of the State while leaving room for the full play of all differential factors above this level.

(4) *Sense of the Commonweal.*—Finally, in a heterogenous (or compound) social polity, all this constitutional machinery would be of no avail, without a zealous cultivation of the general interest as against an exclusive communal spirit, on the part of the majority and the minorities alike, and a habitual adherence and loyal allegiance to the larger patriotism, in preference to the narrower. And any method of Representation (or other constitutional measure) which militates against the creation of this freer mentality would be more of a standing menace to the minorities themselves than to the majority.

157. *Fundamental Considerations.*—But there is a caveat. For here in discussing the rights of minorities and majorities, or of the individual *versus* the State, we are brought face to face with the ultimate postulate and limits of the democratic rule of 'government by majority.' If one 'will' is in reason to count *as such* against any other, then by that same divine right of willing it ought to count *as such* against all the other wills put together. There is no reason why one will, one life, one interest, should be suppressed or extinguished by a million such, except "the good old rule, the simple plan, that he shall take who hath the power, and he shall keep

who can." But this is the negation of all Law and all Polity, and at any rate is neither in your Declaration of Rights nor in your Journals of Congress. Accordingly, if there did not exist a Rule of Reason which is beyond all individual wills and reasons, a universal standard of good which gives the law to all standards and all goods, for majority and minority alike,—in fact, a good will which wills itself in and through all particular wills and fulfils them all, were it not for this, a democratic government by majority would be the apotheosis of brute force, and the negation of the rational will; and this new tyranny (if it be new) would be distinguished from the minority tyrannies of old, only by being irresistible, and therefore as gloomy and hopeless as the underground realm of Pluto. But in reality, the primacy of that will of the majority has its source in something beyond wills and willing, something which, no doubt, one Socrates can and does represent rather than a million satyrs, but which yet, in the natural evolution of the race, is more fully revealed in the harmonious and harmonised intuitions of the unsophisticated many than in the exclusive wisdom or policy of the wise and politic few. For it is this harmony of conflicting truths and interests, this all-inclusive synthesis, that gives meaning to patriotism or nationalism. If, on the contrary, the larger patriotism were to mean only the good of the largest number, not necessarily inclusive of the good of the outstanding fraction, then it would be in truth a slave morality which would bid that remnant to immolate themselves on the altar of their masters or their masters' gods. And the political bond in that case would be none other than the herd instinct for hunting in packs, an instinct which, be it noted, may at the same time prompt the out-trampling and out-lawing of the weak or the unfit in the herd. Accordingly, it is the ordered pursuit of the inclusive good and the inclusive truth (with provisional freedom of grouping in respect of everything else) that can alone justify the compulsion which is the unique feature of the political as distinguished from every other partnership in society. That partnership is no doubt also a partnership in sacrifice (and compromise) but the mutual sacrifices of majorities and minorities alike have certain limits. For the body politic has its rationale and foundation, not in the *collective* but in the *universal will* (*and consensus*), and all sacrifices are limited by this *consensus*, express or implied.

158. Accordingly, the one condition on which the claim of the *demos* can be vindicated is not that its will is Law, but that Law should be its will; accordingly too, it should act with awe and humility and reverence as ruling not in its own right, but only as the servant of this great will of wills whose authentic voice is to be consulted not merely in the forum or the agora, but also in the Temple of Nature and the Cathedral of History, not merely in the *Vox Populi*, but also in that orchestral symphony of the Ages which resounds in the Church Invisible behind all visible churches and shrines. And here in this Church Universal it should read the open testament and legacy of that great Will of Wills, which acclaims as the authentic heir neither the majority nor the minority, neither the all nor the one, but each for all and all for each, for, so runs the rubric in the codicil, each is in all, and all is in each.

159. *Practical Hints.*— Hence it is not in the division lobbies, nor in the right, left or centre 'blocs' with sharply defined policies and rigid or exclusive party programmes, that this Sphinx's riddle proposed to all democratic Governments can be answered, but rather in Round Table Conferences, and in advisory or expert Committees—by means of machinery, statutory or otherwise—which previous to party formulations seek to arrive at a common understanding on an inclusive or synthetic basis. In fact, a body like our Representative Assembly, by reason alike of its composition and its functions, can be very useful in working out preliminary or provisional compacts and compromises through informal discussion. Moreover, this machinery for facilitating concordats (and concord) may be helped by a sort of negative convention when it comes to be understood that it is sometimes advisable to exclude the exclusive, and at any rate not to hasten on to compulsory regulation or State provision (administrative or otherwise) in momentous issues before this stage of inclusion or synthesis based on a common understanding is reached.

IV. Primary versus Secondary Election.

160. There may be various forms of secondary election:—

(*a*) Where the secondary elector is not a delegate, but a "representative," with the duty of independent judgment and choice.

(*b*) Where the secondary elector is only a delegate sent with a mandate (this may be a necessary part of the electoral machinery).

(*c*) Where the secondary elector's choice is limited to a selection out of a panel named by the primary body or bodies.

(*d*) Where the secondary election is by a statutory corporation which is itself constituted by primary election.

161. Each of these forms has its place and meaning. But where popular *representation* is the primary aim, election by primary assemblies is essential. Indirect representation (one or more degrees removed) is often no representation at all. And even as regards a *law-making* body, so far as it must also represent the various interests of the people, primary (or better, direct) election must have the dominant place. Nor is the choice of a large body of the people likely to be worse than that of any coterie of intellectuals, as regards the type of candidate best fitted to govern masses of men or to legislate for them. But in the choice of experts and technicians (as, for example, in electing to Boards and Committees), secondary election has a proper place. Accordingly, in the Representative Assembly, we have constituted the electorates on the basis of primary election. Municipal Councils and District Boards (including the Kolar Gold Fields Sanitary Board) will in future cease to depute members to the Assembly; where urban areas are constituted into separate electorates, the election will be primary, and the electorates will be composed of rate-payers and others who possess the prescribed qualifications to entitle them to be registered as voters.

V. Jaghirs—Yelandur and Sringeri.

162. The Jaghirs of Yelandur and Sringeri have not been included in the constituencies proposed by us, and the question of giving representation to persons otherwise qualified in those Jaghirs is left to the Government, such representation being in addition to the strength of the Assembly proposed by us. Obviously, as regards the jurisdiction of the State, these cases bear no analogy to the Civil and Military Station of Bangalore. And the solidarity of the State (and the people) is a paramount consideration, especially in questions of constitutional Reform. The

problem of dealing with the vestiges of feudalism is no new one, and can admit only of one solution in a modern or national State. As regards sequestrations of revenue (*e.g.*, of land revenue in part), the maintenance of services debitable to those heads of revenue (*e.g.*, police, education, etc.,) ought to be charged thereon, but that is no reason for exemption (or exclusion) from the privileges as well as the obligations of a common constitution.

VI. Franchise.

163. (i) *General Considerations*—(*a*) The old question of the single *versus* plural franchise need not detain us here. The various forms of the single franchise, *viz.*, property qualification (free-hold, or taxes and rates), literacy, or active citizenship, either by payment of the value of (say) three days' labour, or by certain approved forms of citizenship, or of national service, civil or military, are destined to merge in the final form, universal adult suffrage.

164. In the meanwhile, the wisest course is to have a plural franchise which gives due place to property (or 'stake' in the country), to literacy (high or low grade, as the case may be) to active citizenship or some form of approved service, military or civil, as well as to the membership of a recognised interest or function-group.

165. These qualifications have not the same value in all States (or Nationalities). Ordinarily, one is made central, and the others adventitious or supplementary. The tendency is to gravitate to the single franchise system. It may be noted that the bias towards property, originally imparted by the Roman jurisprudence, still marks all western consitutions, especially of Anglo-Saxon making, and that, on the other hand, either membership of a function group, or literacy (of a certain grade), has been pivotal in the Far East.

166. In addition to a property qualification, our proposals have recognised a higher grade literacy (graduation) and membership of certain function-groups and associations as independent claims to the franchise, but we have made no distinct ventures towards active citizenship. Admission to the franchise of those who serve on local bodies for a certain term of years may be honorific or

commendatory, but it would hardly add to the electorates any citizens who would not come in under the property qualification. The case of village school masters may perhaps be considered later along with the much-needed improvement of that class of public servants following on the payment of a living wage. Retired and pensioned officers (commissioned or non-commissioned) of the Mysore State Troops lately got the franchise, with the universal appreciation of military service which was one of the 'non-economic' (not necessarily uneconomic) consequences of the Great War. Accordingly, the Chairman would consider it not quite inopportune to press the cognate claims of parents or heads of families in this connection. That would, indeed, be a pious (*sraddhā*) offering to parents, a modern political substitute for the old religious encouragement to parenthood and the multiplication of the species, so necessary when conditions of barbarism prevailed (or may prevail) around! At least for women, mothers of the race, the rearing of a family may, under certain circumstances, be held to be as valid a ground for the franchise as a property qualification.

167. (*b*) The next question is whether there should be any difference in the franchise for different Houses, or Chambers, keeping in view their different functions. Ordinarily, where there are an originating House and a revising Chamber, both of popular origin, there are higher age (or property) qualifications for voter or candidate or for both, for the Senate or Upper Houses. Sometimes, service of the people on local bodies (or lower Houses), or distinguished public service, is recognised as a distinct qualification for membership of the Senate.

N.B.—Apart from difference of franchise, there are two other expedients for securing a difference of composition for the two houses:—(1) to have primary (or direct) election to the so-called lower House, and secondary (or indirect) election to the so-called upper House, (2) to have wider or larger constituencies (or more carefully grouped constituencies) for one House than for the other.

168. In our case, the reasons for such difference are stronger than usual. A legislature like our Legislative Council and a popular representative body like our Representative Assembly differ more widely than two Chambers of legislature from each other. Accordingly, we have provided a real difference in qualification between the

voters for the Representative Assembly and those for the Legislative Council. And we have been able to secure this essential difference by a simple expedient. At present the Representative Assembly has no place in the Constitution. Still the voter's franchise (*e.g.*, the property qualification) is now as high as that for the Legislative Council. But the Representative Assembly will henceforth be the constituted and constitutional *representative* of the people, and we accordingly propose a considerable extension of the electorates:—

(1) By lowering the property qualification for rural constituencies by 50 per cent, with a resulting four-fold multiplication of the voting strength;

(2) By providing elections by the primary bodies of ratepayers in the 'Urban' municipalities, instead of secondary election by municipal councillors; and

(3) By extending the representation by special interests and associations and regularising their franchise.

169. In the case of the Legislative Council, while in suitable directions we propose considerable extensions, *e.g.*, the constitution of electorates for special interests, and also primary election by the rate-payers for the two cities, still, so far as the rural constituencies are concerned, we propose to retain the existing property qualification, which will be thus twice as high as the new one for the Representative Assembly. At the same time, to ensure the representative character of the elected candidate, we retain the existing primary election. The result will be that in the rural tracts those who have hitherto gained experience as electors to the Legislative Council (and the Representative Assembly) will continue to vote for the Legislative Council with its enlarged functions, while to every one of these old voters three new ones will be added to form new constituencies for elections to the Representative Assembly.

170. (*c*) The next question is that of difference of the voter's franchise for different constituencies even of the same class:—should rural and urban constituencies, for example, or for that matter, the various special electorates

representing different interest and function groups, or the associations for the representation of different minority communities, be differentiated *among themselves*, in any way, in the matter of franchise.? For urban and rural constituencies, respectively, we have different property qualifications, *e.g.*, municipal rates and land revenue. Whether in the two classes of cases, the stakes or, say, the incidences of the taxes or rates, are equal, or can or should be equalised, are vexed questions, but the same *bourgeois* quality will probably be secured. Again, we have given different representation values to different bodies of interests—rating for example, planting and gold mining *above*, and other industries (including agriculture) *below*, their legitimate place in the organisation of social functions—the problem of equalisation is yet too early in the history of function-groups. Finally, to the minorities we have given a 'facultative' franchise, subject to rules relating to the recognition of associations. But we have not further attempted to define the indefinite. And throughout we have been careful to avoid all invidious distinctions of franchise (either as regards property or literacy) among different communities, in the vain search after an equality of proportions, with the object of securing either equally numerous electorates or the equal status of the individual voters in their respective communities.

171. (*d*) Finally, there is the question of differences between the voter and the candidate as regards qualifications. Barring certain obvious disqualifications, the people's suffrages in favour of any candidate, especially under primary election, should—(it might be argued)—be both a *necessary* and a *sufficient* test and passport for the candidate. Still, in the case of a Senate or Revising Chamber, as also in the case of a Legislative Council like ours, some limitation or direction to the choice of the people may be reasonable and proper, and accordingly we have provided higher qualifications for the candidate than for the voter, both as regards age, property and literacy. But for the Representative Assembly we have prescribed no such higher qualification for the candidate, not only to avoid imposing other than the minimum necessary restrictions on the people's choice, but also because in the case of a body supposed to emerge direct out of the people for

purposes of *representation-cum-reference*, the image and likeness of the parent in the off-spring, the badge of all creation, would have a special appositeness.

172. (ii) *Removal of Sex-disqualification.*—The sex-disqualification has been removed by Government in the case of voters for the Representative Assembly.

173. The majority of the Committee thought that the explicit mention of voters in the announcement, coupled with the silence about candidates, precluded us, under the terms of reference, from considering such a vital "revision of the constitution" of the Representative Assembly as the admission of women members would mean. The Committee has therefore no opinion to offer. But a fact may be offered, perhaps, for whatever it is worth. We have women members on the Senate of the University; and the Senate is empowered (subject to the usual sanction) to pass ordinances governing University education.

174. (iii) *Previous History of the Franchise in Mysore.*—The franchise has gone on extending and multiplying in the course of the last three decades. In 1891, the voter's franchise in the rural constituencies was fixed at Rs. 100 to Rs. 300 land revenue, and Rs. 13 to 17 Mohatarfa, the rates varying in different localities. The vote was also given to graduates, and to owners of alienated villages with a minimum beriz of Rs. 500. Government officials other than village officers were disqualified from voting. Three years later (*i.e.*, in 1894), the property qualifications were reduced by 50 per cent.

175. In 1918, the electorate for all rural constituencies was broadened by adopting for all the taluks a uniform limit of land revenue and mohatarfa qualification for voting of Rs. 50 and 10 respectively, the same qualification for voting and for membership being adopted, and the distinction previously existing between the two being abolished. In April 1922, the Legislative Council unanimously adopted a resolution for reducing the above franchise; and this resolution was subsequently agreed to by the Representative Assembly at its Birthday Session.

176. The principal changes proposed by us have been indicated above.

It may be noted further:—

(1) That except that women will be ineligible as candidates, the qualification for voters and candidates will continue to be identical;

(2) That all who pay income-tax will have the franchise;

(3) That in urban constituencies the property qualifications for voters will be identical for municipal elections and elections to the Representative Assembly, such qualifications being different in different Municipalities.

177. (iv) *Literacy.*—The Committee considered that it was not desirable *at this stage* to recognise the school-leaving certificate as qualifying for the vote (or for candidature), irrespectively of property qualifications. At the same time it was felt that when civic and vocational development (and other improvements) of secondary education will have been introduced, a school-leaving certificate as the terminus of the secondary or intermediate stage should in reason confer elementary rights of a civic (or a political) franchise, rather than the Bachelor's degree, which would be 'caviare' to the general! This is all the more desirable, because, with coming changes in the political arena, education will no longer be regarded with jealousy by the governing class as an unsettling factor but rather with complacency as a much-needed safeguard against the universal danger of an un-educated but politically-minded proletariat.

178. As regards the member, a knowledge of English will not be indispensable. The language of the discussion in the Representative Assembly will ordinarily be Kannada, but members may also speak in English or Hindustani, or, with the permission of the President, any other recognised vernacular language of the State.

179. (v) *Probable increase of the Electorates under our Proposals.*—The Committee have reason to believe, from the data placed before them by the Revenue Commissioner, that by lowering the voters' franchise as proposed, the aggregate number of voters in the rural constituencies will increase fourfold. In addition to this, there will also be a large increase in the number of voters in urban

constituencies owing to the adoption of direct election by the ratepayers instead of secondary election through the Municipal Councils.

180. We have no precise information about the present or the prospective numbers as regards urban electorates, but so far as the rural constituencies are concerned, the existing electorate forms about 1 in 108 of the total male population. By a 50 per cent reduction we increase the electorate fourfold,—in other words, the new rural electorate for the Representative Assembly will form nearly two per cent of the total population, or taking males alone into account the male rural electorate for the Representative Assembly will come to about 1 in 29, or 34 *per mille* of the male rural population. The actual proportion will be higher because there will be some addition on account of the special interests and associations,—we may roughly calculate on a male electorate of 3·6 per cent of the male population in the rural constituencies, against a corresponding proportion of 2·7 per cent for the Madras electorate as estimated in the Franchise Committee's Report. We have no means of comparing our urban electorate with that estimated for Madras; but, of course, India lives in the villages, and the rural statistics must form the basis of any comparison. And this comparison is favourable to Mysore, as was to be expected. Popular elections have had a longer history in this State than in any other part of India—and having regard to compulsory education, the index of literacy, as well as the share of the revenue spent on education (not to mention a State-maintained University) Mysore occupies a high place among the Indian Provinces and States. It will be said, no doubt, that our Representative Assembly is disparate to the Madras Legislature, but for the political education of the masses the elections are of equal value, and the figures show that our provision for political education by means of a progressive franchise (as we have traced above) has been keeping pace with the march of literacy in our population. Of course, the latter will now be much the quicker of the two, and the goal of a universal literacy is likely to be reached much earlier than that of universal suffrage. But though the accelerations may differ, there can be no extended suffrage without a rising level of literacy, and, equally, there can be no rising level of literacy without a resulting extension of suffrage.

181. Before the re-classification and re-distribution of rural (or urban) constituencies are undertaken, the Committee would recommend a statistical examination of their voting strength (relative to population) as arranged in order; this would reveal the suitability or otherwise of the franchise (especially the varying municipal franchise), and also establish tests (and measures) of urbanisation and the opposite. Our legislation will be immensely improved by the application of scientific methods when and where these can be properly employed.

182. (vi) *Disqualifications.*—We have proposed the disqualification of persons under twenty-one years of age, persons of unsound mind, undischarged insolvents and subject to certain reservations and provisions, dismissed officials of Government and persons convicted of certain criminal offences.

(*a*) *Age.*—Political majority is attained at 21; under these rules nearly two-fifths of the population will be of non-age. There is nothing sacrosanct in the figure 21, except that it was supposed to be a climacteric. Some constitutions have 20, others 22, others again 25 or 30—the last figures being mostly for membership of a Senate. We recommend 25 for membership of our Legislative Council, and 21 for that of our Representative Assembly. Many will be fathers of families at 21, and there can be no objection to their civic fatherhood.

(*b*) *Sentence of a Criminal Court.*—We do not specifically mention political offences, or election offences, or offences against a professional code of honour. Neither do we specify 'moral turpitude,' distinguishing it from the preceding classes of offence. We have simplified the procedure by basing it on the term of punishment (or punishability). It will be noted, however, that we leave the condoning to Government, and to the natural efflux of time. We have chosen an expiratory period of ten years as against Madras's five. For certain kinds of dishonesty or peculation, the ten years would not be too long a period. At the same time as we are not framing rules for an 'ideal commonwealth,' it would not do to banish them for good. The Chairman would sorrowfully observe that the eternal moralities, as Buckle said in effect, do not make History, at any rate, the History of

Progress (or of Freedom);—the equally eternal immoralities, as Kautilya and Machiavelli have discovered long before him, hold the field!

(*c*) *Government Servants.*—The old jealousies against Governments are dying out, and now that democracy is safe, it is felt that it is inequitable to deprive a Government servant of this elementary civic right. Accordingly the voter's franchise is not denied except, in certain commonwealths of labour, to police and petty officials of a Court. But, of course, it is a different matter with candidature; there, the higher the office in the ranks of the permanent civil service, the greater the objection.

For candidature, we have retained the existing disqualification (as well as the exception in favour of shanbogs, patels, etc.), but we have given the voter's franchise unstintedly. The official Fellows of the University will therefore take part in the election of the deputies to the Representative Assembly. It is only in counting the quota of members for the recognition of a minority Association that the Government officials are excluded; even here they are not excluded from voting.

183. (vii) *Conditions of Citizenship for the political franchise.*—There are no special naturalisation laws in Mysore, apart from certain conditions of domicile which are very liberal. For the exercise of municipal civic rights these conditions may be sufficient, or even these may not be enforced, but for the political franchise they are not sufficient, and additional qualifications should be imposed, the more so as immigration to the State is free and open, both in view of the comity of nations, and in the interests of the development of the State's resources, industrial and otherwise. After carefully considering all aspects of the case, we have come to the conclusion that no one who is not a subject of the State by birth or domicile should have the political franchise, *viz.*, the right to vote at the elections to the two constitutional houses, also that additional residential qualifications should be imposed for purposes of citizenship in this sense.

184. (viii) *Residential Qualification.*—As for residential qualification, for Mysoreans by birth possessing the other qualifications, six months' residence in the Mysore

State (Civil and Military Station, Bangalore, included) prior to the election shall be deemed sufficient. The same rule will apply to other persons who acquire a Mysore domicile by residence of not less than five years. Again for other Mysore subjects who possess the domicile but do not come under the above two classes, residence in the Mysore State (outside the Civil and Military Station, Bangalore) for at least three years shall be a necessary qualification. We have also added a rider that for persons possessing the prescribed property qualifications within the jurisdiction of the Mysore State, residence in the Civil and Military Station, Bangalore, shall count as residence within the jurisdiction of the State. The above rules are intended to apply to the candidate as well as to the voter. As for candidates (or nominated members) for special interests, the Government may grant exemption in special cases.

VII. Length and Frequency of the Sessions. Interpellations, Representations, etc.,

185. (i) *Previous History of the Subject.*—For about 30 years (*i.e.*, from 1881 to 1916) with the exception of the years 1899, 1900 and 1902 (when the Assembly was not held owing to the prevalence of the plague), there was only one session held at Mysore during the Dasara festival. The grant of the privilege of a second session for the purpose of discussing the Budget was announced in October 1916, and the first Budget Session was held in April 1917. Since then, two ordinary sessions, one called the Budget Session and the other the Dasara Session, have been held during each year, the duration of each session varying according to the volume of business. As regards the Budget Session, the maximum duration has been fixed, under the existing rules, at five days; and the Dasara Session has lasted for about a week to ten days. The right to put interpellations under certain conditions and restrictions was granted in the year 1918, and the maximum number of interpellations was fixed at twenty-four (*i.e.*, three for each district) for each Session. The existing rules of business relating to the Assembly were issued in 1907 and 1921.

186. The maximum number of subjects (or representations) which could be brought up at Dasara and Budget Sessions has been fixed at 450, and 250 (since reduced to 100), respectively.

187. (ii) *Committee's Proposals.*—In addition to the two existing Sessions, we propose that special meetings may be held at the option of Government. As regards the duration of a session we propose that the maximum may be fixed at fifteen days for the Dasara Session, ten days for the Budget Session, and five days for a special Session. We propose further that the maximum number of interpellations for any session be increased to fifty, and of resolutions to twenty-five for the Dasara Session and ten (being other than resolutions on the Budget) for the Budget Session.

188. As regards representations (or subjects), we have taken into consideration the fact that, in future, Local Subjects will not ordinarily be brought up before the Assembly, and have accordingly reduced the maximum number of subjects to 150 and 50 respectively at the Dasara and Budget Sessions.

VIII. Order of Business.

189. We have prescribed a certain order, and allotted a number of days, for each kind of business, but we have also provided that Government may re-arrange the business of any Session so as not to reduce the time allotted for private members' business except with the assent of the House. No member shall send more than five representations for any one Session. The Standing Committee will select the representations for discussion, to the number allowed for the Session, and fix the order in which they will be taken up. No limit has been prescribed as regards the number of resolutions which can be brought forward by a member, but the total number for each Session has been fixed, and the order in which the Resolutions will be moved will be determined by ballot. Resolutions and representations not disposed of will lapse. As regards interpellations, the Standing Committee will make the selection to the number fixed for each Session, out of the number not disallowed by Government.

190. Provision has been made for motions for adjournment of business to discuss an urgent public matter, under suitable restrictions and with the consent of the Dewan. Closure has also been provided for.

CHAPTER III.—The Legislative Council.

I. Opening Remarks.

191. In this Chapter we will consider the constitutional aspects of the reforms so far as they relate to the Legislative Council, its scope, its powers, and its composition. The very fact of its intermediate position between an irremovable executive on the one hand, and a popular referendum on the other, in a constitution which is of the unitary type, gives it some unique features which make it necessary for us to consider the questions of constitutional theory (as well as practice) that arise from *the governing facts of the case.* For the science (and not merely the art) of politics is, in its sources and foundations, a relative, provisional and contingent one, like all other sciences of the sociological group, though no doubt pointing to ultimate generalisations of universal scope and validity; but it is the intermediate bodies of formulæ, the inductions from particular situations and environments of particular peoples and histories, that must form the basis of the ultimate generalisations. The truth is that what may be called a *situation*, political or otherwise, is constituted by a given group of facts, and every group of facts has its own ideal implications, its own latent principles, which must be discovered by a patient examination of the facts themselves. The attempt to impose a set of abstract principles originally drawn from other systems of facts, in the name of political or any other science, is to follow "the high *priori* road," which may lead to Utopia (or Erewhon), but certainly not to *terra firma* or *terra cognita.*

II. Place in the Constitution.

192. The terms of the announcement relating to the scope and powers of the Legislative Council are as follows :—

> "The present list of subjects that are excluded from the purview of the Legislative Council and the

Representative Assembly will be curtailed so as to admit of the discussion of all matters relating to the internal administration of the State, the only subjects to be excluded being those relating to Palace, the relations of His Highness the Maharaja with the Paramount Power or with other States, and matters governed by treaties, conventions and agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power.

"The functions of the Representative Assembly and the Legislative Council in respect of legislation will be subject to the provisions embodied in the existing Legislative Council Regulation regarding emergency regulations." (ANNOUNCEMENT.)

193. This will now be considered under different heads :—

(i) LEGISLATION.

Legislation is a function of the Sovereign power. The first question, therefore, as regards a Legislature is, what is its relation to sovereign authority ?

194. (*a*) *The Dualistic Type.*—In the dualistic system of Great Britain, the people through the Legislature exercise Sovereign authority in the function of law-making. Again, the Crown also has the Sovereign's prerogative in law-making in as much as its assent is necessary. Where, however, as under the British Constitution, the assent of the Crown is given on the advice of a body of Ministers constitutionally responsible to the people, the original dualism has already moved on towards the unitary type in substance though not in form. But, on the other hand, it must be remembered that the Crown acting on the advice of the Ministers can dissolve the Legislature for an appeal to the people, and this power of dissolution by the Executive is the constitutional complement to the responsibility of the Ministers to the Legislature. This, again, is the old dualism moving on to the unitary plan and the unitary device of the referendum. Such is the system of checks and counter-checks essential to the working of a constitution on the dualistic plan. A public

temper of a certain stolid and imperturbable quality is necessary to the delicate manipulation of this mechanism of pulleys and wheels, but the tropical East has a mentality of a different temper.

195. (*b*) *A Democratic Unitary Type.*—Again, in a unitary constitution of the democratic type where the 'sovereignty of the people' is declared to be the *one* source of all constitutional authority, that Sovereignty may be cut up into several functions, *e.g.*, the legislative, the executive, and the judiciary, jealously differentiated from one another; and in such cases, there may also be a President, who is the chosen of the people and the symbol of the people's Sovereignty, and as such possesses the right of ratification of the *Acts* of the Legislature in a much more substantive measure than the Crown on the dualistic plan.

196. (*c*) *Another Unitary Type.*—Japan is also an example of a Unitary State, possessing the ratification, and an irremovable executive with power to dissolve the Legislature. But it is without a regular popular referendum or initiative, and at the same time without any reservation of law-making power other than the ratification. This gives an instability to the constitution, which is now the acutest political problem in the State.

197. It may be noted that a dissolution of the Legislature as a mode of appealing to the people is a sort of referendum working catastrophically and irregularly. Accordingly, in unitary types where the constitution does not provide a regular referendum, the irremovable executive is armed with this power as a means of removing a deadlock. In a dualistic constitution, on the other hand, the power of dissolution is really a prerogative of the Sovereign exercised by the executive for control over the legislature, and is thus complementary to ministerial responsibility which means the control of the Legislature over the Executive. In a unitary constitution, like that of Mysore, with representation-*cum*-reference, a provision for dissolution is unnecessary.

198. (*d*) *The Mysore Unitary Type.*—An Indian State like Mysore is built on the unitary plan, and the constitutional unitary between the Head and his people is the central fact. In Mysore, the one undivided Will

expresses itself through the various limbs and organs. These instruments have their own functions—the Legislative Council, the law-making,—the Executive Council, the executive or administrative functions, the various Advisory Boards and Committees, the function of expert advice or formulation; but they are all organs of *one* Will centred in the Head, the referendum-*cum*-initiative of the Representative Assembly making (or tending to make) the fundamental *oneness* real and effective. It may be added that the measure of delegated authority, and its character whether dependent or independent, are further particulars regarding these organs which help to define the type.

159. As regards law-making, this Will ordinarily acts through the proper organ, but a reservation of the Sovereign's direct law-making power is provided in the constitution, and is a necessary constitutional safeguard, in the absence of that complete functioning of the people's initiative and referendum which is the goal of a body like the Representative Assembly. Reservation like this with a growing referendum gives a constitutional vantage to a unitary State.

(ii) Reservations of Law-making Power.

200. Most legislatures, constituted by a limited devolution of the Sovereign authority, are in fact limited trusts; and the limitations arise from reservations, to the Sovereign, of direct powers of various kinds, *e.g.*, the power of fiat or interpolation, the power of intervention for a negative or bar, the power of return or restitution, the power of ratification or veto, the power of framing regulations and ordinances for specified areas or for specified periods, etc.

201. The constitutional position under the Reforms in British India throws a great light on this question. The law-making powers reserved in British India are:—

(*a*)—*To the Governor-General*:—

(1) Interpolation of Acts for the safety, tranquillity or interests of British India or any part thereof,—with the Governor-General's certificate [67 B, (1) and (2)] and subject to disallowance by His Majesty in Council.

(2) Intervention, for stopping a Bill or clause of a Bill (or amendment) during the passage of the Bill,—on the Governor-General's certificate. [67 (2*a*)].

(3) Referring back for reconsideration (no certificate required).

(4) Ordinance (for six months) for the peace and good Government of British India or any part thereof,—subject to previous approval of the Secretary of State for India, and to disallowance by His Majesty in Council.

(5) Regulation for peace and good Government for notified parts of British India on the basis of a local Government draft approved by the Governor-General in Council,—without certificate procedure, but subject to disallowance by His Majesty in Council.

(*b*)—*To a Governor*:—

Act (relating to a reserved subject) with a certificate that the Bill is essential for the discharge of the Governor's responsibility for the subject (subject to assent of His Majesty in Council.)

202. The constitutional considerations involved in these cases are clear:—

Under (*a*), the Governor-General represents the Sovereign authority as vested in the British Sovereign, and as the Sovereign authority is the source of law, the Governor-General not only ratifies or vetoes, but also interpolates, intervenes and returns for reconsideration,—in the first two cases, subject to *disallowance* of His Majesty in Council. *This is on the unitary plan*, but here the legislature is not yet an organ of the Sovereign will, nor is there any question of a popular referendum. The certificate has a twofold reference—(1) to the people of British India, who may, under future self-government, become an integral element in the law-making power of the Sovereign, (2) to the Sovereign Parliament of Great Britain.

203. As regards (*b*), the Governor's prerogative, the implications are that the law-making power of the Sovereign for a reserved subject still rests in the Governor as representing Sovereign authority. In the case of transferred subjects, the law-making power is shared in part

by the local Legislature representing the people, but for reserved subjects, the Governor represents the same authority (within the limits of local autonomy),—hence no sanction of the Governor-General, but only the *assent* of His Majesty in Council, is required. The Government (the non-popular half of the diarchy) is irremovable, and accordingly exercises the power of fiat or interpolatory legislation by certificate.

(*c*)—*Reservations to the Government in the Mysore Regulations*:—

204. Turning now to the constitution of Mysore, the express reservations of law-making power in the Regulation establishing a Legislative Council relate to the following:—

(*a*) The Government may frame any Regulation on any of the excluded subjects, and this, subject to the assent of the Ruler, has the force of law. This provision will be retained. The Committee by a majority of six against four (these being Dewan Bahadur Puttanna Chetty, Messrs. Venkatesaiya, Srinivasa Rao and Subbaiya) further resolved that it should be specified by law that Regulations may similarly be framed for the safety or tranquillity of the State. No certificate is of course contemplated,—the opinion of the Government to this effect would be both necessary and sufficient;

(*b*) The Government can frame emergent Regulations on other subjects, which, if assented to by the Ruler, have the force of law for six months.

205. In all these provisions, the Government stand for the Executive Council appointed by and responsible to the Ruler. They are sharply distinguished from the Ruler, as having no original share in the Sovereign authority or prerogative. In a unitary constitution, the Government in this sense, *i.e.*, the Ministers, no doubt possess the exalted responsibility of being constituted and constitutional advisers to the Ruler, but have no claim to the Sovereign's prerogative, as derived either from the Head or from the people or from both (as in the British constitution). They are no *mediators* between the Head and the people, but only *media* for the transmission and reflection of Sovereign power.

206. The Governor-General in Council (or Governor-in-Council) in a dependency (*e.g.*, British India) has a constitutional status which is not on all fours with that of the Government (or Executive Council) in a unitary State like Mysore. The latter requires for validation the ratification (or *assent*), and not merely the absence of the veto (*disallowance*). But the principal difference is that the Governor-General *transmits* the Sovereign prerogative in a fuller measure, *viz.*, by fiat, by intervention for a bar or negative, as well as by return (and restitution), in addition to the minor prerogatives of regulation and ordinance (the Governor has a limited *fiat*). The reason is that the Governor-General or Governor represents the Sovereign (the latter only in a reserved subject). The Mysore Government (or Executive Council) transmits in respect of fiat for subjects which do not come within the scope of the Legislative Council, and in respect of *ordinance* alone, for subjects which can be dealt with by the Legislative Council. Under the Committee's proposals, the Government will also transmit in respect of fiat for securing the safety and tranquillity of the State.

(iii) Reservation to the Head.

207. *Its Basic character and its vital significance for Constitutional Development*:—Over and above these reservations to the Government, there stands the permanent reservoir of law-making power in the Head of the State. This forms the bed-rock of Mysore's position as a State of the unitary type. And this only points to the line which a continuous historical development must follow,—it does not limit in the slightest degree the indefinite possibilities of constitutional growth for this State and its people, a growth which will be in harmony with the general trend of political evolution in world-history. And in fact Mysore has not been standing still. The constitutional developments of the past, and the present Reforms, alike bear witness to Mysore's power of building from within. But the presiding genius, the Master-builder, in this constitution, has been the Head of the State. Proclamations of the Ruler, with or without the accompaniment of Regulations, have created every one of the new constitutional organs, in this process of incorporating the body of the people in the unitary

Headship. And in a unitary State it is this reserve of power which is the inexhaustible resrvoir from which issue perennial streams that water the plants and irrigate the fields. The Legislative Council is, no doubt, a trust and a devolution. But it is a limited trust. It is limited by the ratification and the fiat comprehended in the Ruler's prerogative, and by the referendum to the people and their assembled representatives. And these two limits have really the same source—the Sovereignty of the Head-in-the-people,—and will move more and more towards each other, and towards an articulate unity, with the growth of conventions and the maturescence of the referendum.

208. In fact, such reservation will act as a valuable constitutional safeguard in the case of an irresolvable deadlock arising between the Legislative Council and the Representative Assembly. Such a situation may demand a Proclamation under the Ruler's sign-manual, enacting a Regulation. An Emergency Regulation will fail to meet the necessities of the case. The following resolution was carried by a majority of six against five :—

> " That it should be made clear that His Highness the Maharaja reserves to himself the prerogative to pass Regulations independently of the Legislative Council and that this may find a place in the Proclamation or in the Regulation or in both."

209 The minority consisting of Mr. Krishna Rao, Dewan Bahadur Puttanna Chetty, and Messrs. Venkatesaiya, Srinivasa Rao and Subbaiya, who were opposed to the proposition considered that the re-affirmation of the sovereign powers of His Highness was *unnecessary* and inexpedient. The majority are of opinion that the affirmation of such reservation is necessary for removing deadlocks, for further constitutional developments as may be necessary, and for the safety and tranquillity of the State.

210. Finally, it may be pointed out that the Legislative Council Regulation now in force provides for the exercise by His Highness of the prerogative of sanctioning a bill with any alteration His Highness may consider necessary and that there shall be no motion or discussion concerning the exercise of this prerogative. This is the power of interpolation reserved to the Head, and this has not been touched by the Reforms.

III. Amendments to the Constitution.

211. The Legislative Council will not be a Legislature competent to amend the constitution, at any rate in regard to the essential matters which will find a place in the Proclamation, except so far as such powers may be expressly reserved therein to the Legislative Council or to the Government, (Executive Council). We have accordingly recommended that only comprehensive references to fundamental points should find a place in the Proclamation, so that the Constitution may not be stereotyped, and new Proclamations may not have to be promulgated for every change that the experience of the actual working of the Reforms in the next few years may show to be necessary or desirable.

212. We have expressly recommended a provision in the Proclamation for the making by Government of rules not inconsistent with the Proclamation in matters of detail to give effect to the Constitutional developments. Of course, the Houses will pass their own standing orders regarding business procedure.

213. The proclamation may also usefully reserve liberty to Government to propose variations in future in matters of Constitutional import even among those which may be now defined by the Proclamation—We have recommended this specifically in the matter of the strength of the Representative Assembly, and some of us think that other points may also be similarly specified. The *Deus ex machina* procedure of a Proclamation will thus be an extraordinary one, but whether the Government in other cases will pass the proposed changes through the Legislative Council by the usual processes of law-making, or whether they will proceed independently of the Legislative Council by framing a draft for the assent of His Highness (as in the case of emergency Regulations), is a matter regarding which we in Committee express no opinion. But the revision of the Constitution is not an 'excluded subject,' and accordingly there may be discussions and resolutions in the Legislative Council (as well as in the Representative Assembly) regarding matters of constitutional development, and petitions to the Legislative Council in this connection will not be shut out as irrelevant. Besides, there can be no doubt that the

Representative Assembly will have liberty to submit representations (if not addresses) on the subject, and such representations may always serve as a sort of informal initiative to the unitary sovereign authority centred in in the Head. But whatever may be the force or value of representations or recommendations, it would be desirable for Government to consult the Representative Assembly regarding contemplated constitutional changes, in the same way as the Assembly will be consulted about new taxes, and except where the Proclamation of the Head confers a new boon, the consultation should be previous to the framing of the draft by Government.

IV. Exclusions.

214. (i) *The Existing List.*—Added to these checks on its function, there are limits to the scope of this Legislature. There are, under the existing Regulations, subjects excluded from its purview or jurisdiction, such as the Ruling Family of Mysore, the relations with the Paramount Power, matters governed by treaties, extradition of criminals, European British subjects, European vagrants, Post Office, Telegraphs and Railways, the Mysore Military Forces, and such other matters as may be reserved for consideration by the Government. This exclusion applies not only to legislation, but also to the discussions, either in connection with the budget, or on matters of public interest. These subjects, it may be noted, are also excluded from the purview of the Representative Assembly.

215. (ii) *Modifications.*—The announcement declares that the present list of excluded subjects will be curtailed so as to admit of the discussion of all matters relating to the internal administration of the State, the only subjects to be excluded being those relating to the Palace, the relations of His Highness the Maharaja with the Paramount Power or with other States, and matters governed by treaties, conventions and agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power.

216. On comparison with the existing list of subjects, it will be found that there will be a considerable extension of scope. In fact, there is now a clear enunciation of

principle. All external relations will be beyond the constitutional jurisdiction of the two Houses, while all internal matters except those relating to the Palace will be amenable to it. This is a notable advance.

217. (iii) *External Relations.*—The external relations of the State, whether with the Paramount Power or with other States, will necessarily be outside the purview of the popular bodies, but no bar or interdict will check the movement which the new constitutional status of the British Indian peoples and Provinces as part managers of their own affairs has rendered necessary, towards the re-formulation and reorganisation of the position of the Indian States and their peoples in relation to British India. Loyalty to the august person of the Emperor will shine as a traditional Indian virtue above every vicissitude of political circumstance or fortune, but the loyalty of one people to another people or congeries of peoples bears (and demands) a new interpretation. It can only mean *camaraderie*, and co-operation in a common task.

218. The Continent of India (British and Native) parcelled out into so many governments, big and small, each autonomous in its own place and measure, will form a constellated group within the world-system known as the British Empire. The different formulæ applicable to this situation may be conveniently summed up, as (1) a federal government like the United States of America, (2) an Imperial Diet, or (3) Federated States, as in the Union of South Africa or in the Commonwealth of Australia.

219. The first two alternatives imply a degree of centralisation and consolidation which may be real in the historical evolution of British India, but is lacking in the relation of the Indian States to the Government of India and to one another. The third alternative must face the difficult problem of the equalisation of status, and in all the three schemes alike, the compulsory rule of the majority (that is to say, of the major over the minor States) will be difficult to reconcile with the indefeasible sovereignty of self-governing States, minor and major alike.

220. A looser and more elastic tie is that of Leagues and Conferences, which work on the basis of free choice or

acceptance. In these new experiments, the free declarations by individual members of adherence to the decisions in council have another source of validity than either the collective or the universal will. This is, in fact, the principle of the *voluntary group* carried from social and economic formations to the sphere of international or inter-State aggregations. This is to bind with a silken rope, but as the biographer (and disciple) of Gladstone observes, a silken rope may sometimes be a better and more durable bond than an iron rod.

221. (iv) (*a*) *External Relations—Other Problems—Defence.*—Including the Imperial Service Contingent, the direct military charges of Mysore amount to about a fifth of the Revenues of the State. British India, with its continental proportions, its exposed area, its risks and menaces, and in fact "the longest and most frequently crossed frontier of any country in the world," spends about a fourth of the total central and provincial revenues on military defence. And this proportion will be substantially reduced to probably below a fifth with the curtailment of military charges as recommended by the Inchcape Committee, and the expansion of the revenue, both Central and Provincial. The risks in two such cases cannot be compared, but *ceteris paribus*, a fair cost of insurance might, roughly speaking, be proportional to the mass, as measured by the product of the area, the population and the income *per capita*. However this may be, Mysore certainly pays not less than her proper quota of the military burden on any equitable ground of valuation, even without taking into calculation the indirect contribution through customs, salt, etc.

222. (*b*) *Customs and Tariffs.*— The people of a land-locked State like Mysore are subject to indirect taxation in the shape of customs and tariffs. In fact, the Mysorean is now paying one rupee in indirect contribution to the British Indian Exchequer for every 3 rupees and a half or so that he pays to his own government. And now that a policy of protection is likely to replace the traditional British Free Trade, the indirect contribution may be materially increased. Further as the tariff lists and rates may in course of time come to be worked by powerful British Indian commercial and industrial interests, possib-

ly in ways that might be prejudicial to industries and labour in Indian States, the critical position of the latter demands some constitutional organ for their protection against possible serious encroachment. Accordingly, a *Zollverein*, or an all-India Economic Federation, headed by the Government of India, may be witnessed in the near future, however uncertain may be the prospects of a constituted Super-State, Federation or League, in the political sphere. And in fact it is now widely recognised that inter-State Economic Unions may come long before political federations.

223 (*c*) *Other Problems.*—Other fundamental problems are looming ahead, *e.g.*, those relating to access to the sea and facilities of transport on reasonable freight charges.

224. The foregoing brief consideration of the excluded subjects has been necessary to show that they involve questions not only of grave moment, but also of great delicacy, as affecting the mutual relations of the Indian peoples and States. Their exclusion from debate and discussion in the two public Chambers, in the stage of transition through which all India is now passing is well understood, but it will be seen that the matters so excluded are not what are usually comprehended under foreign relations; they are external in form, but vitally affect the internal administration of the State and its economic strength and financial stability, and what is equally important, the familiar old conditions with the assurance they brought with them are changing, and changing in such a way as materially to alter the situation, as well as all its elements and features: the exclusions, therefore, may have to be revised with coming developments of that situation. In truth, it is a common atmosphere that surrounds all these Indian peoples to-day, and it would be hardly possible to exclude them from the atmosphere they breathe.

V. Budget.

225. The Announcement has the following:—"The Legislative Council will be given the power of voting on the annual State Budget by major heads in respect of all

items of expenditure, except those affecting the Palace, the Military, pensions of public servants, and the relations of the State with the British Government under the Treaty. In any case where the Council refuses its assent to a provision in the budget or reduces it, it will be competent to Government to restore the provision, if they consider it necessary for the carrying on of any department."

226. The Constitutional questions under this head relate to—

(1) the character of the vote,
(2) voting by major heads,
(3) the power of restoration on the part of Government, and
(4) the excluded heads.

227. (i) *The meaning of the vote.*—The announcement distinguishes between the voting of a grant (in the Legislative Council), and a resolution on the budget (in the Representative Assembly).

Resolutions of the Legislative Council equally with those of the Representative Assembly "will have effect only as recommendations." But voting (or refusing) a grant has under the terms of the announcement a value and validity which can be annulled only by the exercise of a specific power of the Government for a specified reason—namely, the power of restoration if the Government consider the grant "necessary for the carrying on of any department."

228. (ii) *Voting by Major Heads.*—The term "major head" is nowhere defined, but the form of the Budget statement makes it clear that the 42 (or more) principal heads under the 9 (or more) general classes,— as distinguished from the detailed heads—are intended. The Committee found it necessary to re-classify the items of expenditure under 28 heads of demands, *on certain well-understood principles*, *e.g.*, the natural connection and sequence of the items, either from an administrative or an economic point of view, their natural division with special reference to the departments as now separately constituted, and finally, their *financial character*, *e.g.*, with reference to

capital outlay (whether for productive or commercial purposes or otherwise), so that the use of loans, the productive or unproductive character of works, and the progress of commercial undertakings financed in part or in whole, or guaranteed by the State, may be easily and clearly comprehended from the Budget data.

229. The Committee recommend that each of these twenty-eight demands be treated as a major head for purposes of voting by the Council. The Committee further recommend that the classification may from time to time be revised by Government.

230. The question was raised in Committee--whether 'voting by major heads' in the announcement contemplates motions for the reduction or omission of specific items under a demand. The Committee were unanimous that unless particular items under a major head (or demand) could be specified, the motions would be aimless, and the discussion fruitless. Our recommendations accordingly proceed on this basis.

231. So far the voting by major heads is only a matter of procedure. It would be open to a member in any case to move that a demand under a major head be reduced by a certain amount by the reduction or omission of a specific item included in that major head, but we have provided that motions may relate direct to such items, and that a grant as a whole should be taken up after all motions relating to items within that grant have been disposed of.

232. But in truth the voting by major heads is not merely a matter of formal procedure: it has a constitutional meaning in reference to the power of re-appropriation vested in Government. After grants have been voted by the Legislative Council, reappropriation may be sanctioned by Government only within each separate grant, *i.e.*, from one specific item to another within a major head, but not from one major head to another. While, therefore, the procedure by major heads is no limitation on the Government's vote, it results in a certain limitation on the Government's power of re-appropriation. Unlimited re-appropriation in the Financial Department or by other authority, from one grant to another, would defeat the purpose of the voting, and the gift of the voting power to

the Legislature would be valueless. The only question that legitimately arises is whether there is need for re-appropriation from one grant to another. The Committee think that as provision is made for supplementary, additional and excess grants, and as there will be in addition the power of Government to restore grants refused by Council, there is no reason to provide for re-appropriation from one major head to another.

233. (iii) *Supplementary or Additional Grants.*—When the Budget estimates have not provided for some unforeseen service, or provided insufficiently for any service, supplementary or additional estimates shall be presented, and they shall be dealt with in the same way by the Council as if they were demands for grants.

234. (iv) *Excess Grants.*—When, for any reason, money has been spent on any service in excess of the grant therefor, a demand for the excess shall be presented, and dealt with as if it were a demand for a grant.

235. Here we contemplate a case of unavoidable excess expenditure on some regular service, without previous Council sanction. This is neither a case of re-appropriation, nor necessarily a case of emergency expenditure for the safety or tranquillity of the State. If the Council refuse sanction to the demand in connection with the excess expenditure—a most unlikely contingency,—the Government will exercise the power of restoring the demand.

236. (v) *Reservations of Power in the matter of Money Grants.*—We contemplate reservations of two different kinds having different constitutional import: they are the same as in British India under the Reforms:—

(*a*) *Emergency Cases.*—For the safety or tranquillity of the State, or for the carrying on of any department, the Government may, in cases of emergency, authorise expenditure without Council sanction (cp. 67 A (8), Government of India Act —also 72 D. (2) (b) for Local Legislatures). In such cases there shall be no discussion or motion in Council. This corresponds in the matter of a money bill (so to speak) to the power of fiat in legislation, the ground being the same, namely, responsibility for the safety and tranquillity of the State.

The necessity of this reservation is absolutely clear, and there must be immunity from challenge or criticism.

237. The constitutional problem is— is this an exercise of the unitary sovereignty (through the transmitting medium of the Government), or only of a fiduciary Government managing a trust?

238. On the dualistic plan as in British India, the emergency power is exercised by the Government as trustee for the people so long as the latter are not come to their own. For, the voting of grants (and taxes) is the people's privilege, and as the people's sovereignty, in such a constitution, is not one with the sovereignty of the Crown, the representatives of the latter in the matter of emergency appropriations move, not in that capacity, but only as trustees of the people. On the unitary plan, the Government are only an agent or instrument (and not a fiduciary) of the one sovereign authority; but the Head is the centre of reference, the organ of the One undivided will willing an act of emergent self-preservation by his sovereign fiat exercised through the Government as through a limb. But whether one speaks as a 'dualist' or a 'monist' or a qualified monist, the governing fact is the emergency, and a 'lightning act' of self-preservation,—the rest is but interpretation, a matter of creed, weighing no more than dust in the balance in any pragmatic sanction. In all governments, there is power of emergency appropriation,—the difference is as regards the method of validation. With a party Government in power, this is automatically ensured.

239. (*b*) *Restoration of a Grant.*—The next reservation is a fundamental one and runs thus:—

> "The Government shall have power in relation to any demand to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount, if they consider that the restoration of the grant is necessary for the carrying on of any department (corresponding to 67 A (7), Government of India Act, also 72 D (2) (a), for Local Legislatures)."

240. In British India, a certificate is required that the demand is essential for the discharge of the Governor-General's or the Governor's responsibility (the latter, only in the case of a reserved subject);—here, with us it will suffice if the Government is of opinion that the demand is necessary for the carrying on of the department concerned.

241. The constitutional implication is that the executive Government so long as it is an irremovable one must be equipped with the sinews (or as the new vocabulary has it, the munitions) of war for carrying on the campaign in the way it thinks necessary for the maintenance of the administration, or for the discharge of its inalienable and impartible responsibility. Where there is a responsible ministry with Party Government, the machinery of restoration would be out of place: the plea that would justify a restoration would furnish a valid ground for the Ministers' resignation. But a Party in power would hardly have to face such a situation so long as it forms the majority in the House. With an irremovable Executive, the possible courses would be:—

(1) Dissolution followed by a referendum or appeal to the people;

(2) Restoration of the grant, with or without a certificate, and without further division or voting; or

(3) Acceptance of the vote as final, followed by reterenchment or re-adjustment of the programme in obedience to the verdict of the House.

A Unitary State *with a referendum* moves towards the goal of the third and last alternative, but this presupposes an adult nationality, and a trained political capacity in the people. It may be indeed be argued that so long as only a small fraction of the people forms the electorate, no House so elected can anywhere claim to share in the (as yet) inarticulate sovereignty of the people. And it will be said that no oligarchy of intellectuals, playing the role of irresponsible critics who can never be called upon to form a Government and carry on the administration, can have the 'sacred right' of bringing about either a checkmate or stalemate on the political chess-board in a mimic tournament with Government, to the confusion

of the King's business or the disturbance of the King's peace. There may be an element of truth in these arguments. But it will never do to forget the more relevant complementary truths. In the first place, where there is no popular reference or referendum, the legislative Chamber, single or double, is intended also to represent the people,—which it does however indirectly and partially, and in fact there is no other medium of representation. And, in such circumstances, even if the Executive Government should retain the sovereign power in trust for the future heir, the body of the people, the *de facto* representatives of the latter, in the legislative Chamber, have, even more in financial than in legislative matters, a certain reflected importance, and an all but decisive urge in a contest with an irremovable Executive. In the second place, coming to our own case of a Unitary Government with a House of the people for incipient and informal referendum, the constitutional position is still more clear. The people's House, in such a constitution, has a first hearing, a sort of inverted pre-emption, in the matter of money grants and taxes; the irremovable Executive have the right of final adjustment in discharge of the imperious responsibility of carrying on the Government of the country, and the intermediary House has its own legitimate function of criticism and control, especially with reference to formulated programmes. Development in such a constitution will inevitably mean the settling down of these different strata round the centre of gravity of the system, the unitary sovereignty of the Head-in-the-people. Accordingly, in the present transitional stage, in the paramount interests of good government, the power of restoration has been reserved to the Government acting as the instrument of the Unitary Sovereign authority and this, it may be pointed out, corresponds to the power of 'fiat' and of interpolation in the sphere of legislation.

242. The same power of restoration in the Government of India Act has a different political meaning and goal; it does not extend to a transferred subject, and it will cease with the growth of responsible Government when it will be replaced by new remedies, *viz.*, resignation of the Ministry or a dissolution of the House.

243. (vi) *Exclusions.*—The Dewan's announcement

excludes from the vote grants under the following heads:—

The Palace, the Military, Pensions of public servants, and the relations of the State with the British Government under the Treaty.

244. The list is much shorter than the corresponding list under the Government of India Act, which, among other things includes (1) interest and sinking fund charges on loans, (2) expenditure of which the amount is prescribed by or under any law, and (3) the salaries as well as pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council.

245. We have recommended the inclusion of the first two heads in the list of excluded items, but sinking fund will be non-votable only when guaranteed at the time of borrowing. In other cases, and as regards the policy of sinking funds and loans, a discussion will be allowed. Our principle has been to respect pledges and promises.

246. We have made it clear that this list of excluded items is the same for the Legislative Council and the Respresentative Assembly, though in the one case it is a matter of voting, and in the other of recommendation. But, elsewhere, this difference has been recognised by us in our recommendations regarding an important constitutional point. While the Representative Assembly will be at liberty to make suggestions of increased expenditure under particular heads, provided it is shown how the increase is to be met, the power of the Legislative Council is of course strictly limited to reductions or omissions. For demands and appropriations are responsible *Government* business.

VI. Strength and Composition of the Legislative Council.

247. The announcement on this head is as follows:—

"Its strength will be increased and fixed at not less than 40 and not more than 50 members. The number of members elected from the Representative Assembly to this body will be substantially increased. Provision will be made for the representation of special interests, such as industries and commerce, planting, eductional, and of minorities."

248. (i) *Strength.*—We recommend a Council of 50 members exclusive of the members of the Executive Council, who are also *ex-officio* members of the Legislature. Ours is on the model of a single legislative Chamber corresponding to the local legislatures under the Government of India Act. These vary in numerical strength, that of Madras being fixed at over 120.

249. The more important considerations bearing on the *number* of members are:—

(1) The resulting size (and character) of the electorates.

(2) The multiplicity and complexity of interests in the community, requiring representation.

(3) The Chamber of legislature must have a public representative character, and not be so small as to approximate to a committee or a close corporation,—and also not so large as to be unbusinesslike, over-elaborate or uneconomical.

250. In fixing the number at fifty, we have taken advantage of the entire latitude given us in the matter, but we feel that a further enhancement of strength in the near future must provide a fuller representation for the growing complexity of interests and functions brought about by the economic and cultural development of the State. In particular, the interests of local self-government, so far as the latter tends to become real, should be represented through the local bodies on the central legislature.

251. The largest constituencies under our proposals would be the district constituencies (primary bodies)—and the numerical strength of the electorate would vary, probably from 5,000 to 2,000. There is no fear of a breakdown of the electoral machinery through the sheer weight of numbers.

252. We recommend that, in addition to the 50 members, the Government may for the purposes of any Bill nominate not more than 2 persons having special knowledge or experience of the subject matter of the Bill.

253. (ii) *Changes in the Composition—Constitutional Bearings.*

(*a*) *Actual Composition.*—

(1) *Existing.*—This is as follows:-Officials (nominated) 12 (or 40 per cent),—non-officials elected, 13 (or 43 per cent)—non-officials nominated, 5 (or 17 per cent). Actually therefore, there is a 60 per cent strength of non-officials in the existing composition and a 43 per cent strength of elected members.

(2) *Proposed.*—We recommend the following distribution:-officials (nominated) 20 (or 40 per cent)—non-officials (nominated), 8 (or 16 per cent)—and non-officials, elected, 22 (or 44 per cent). This would give a 60 per cent strength of non-officials and a 44 per cent strength of elected members, practically the same as at present.

254 (*b*) *Statutory Provisions*—(1) *Existing.*—The maximum number of members under the existing Regulation is thirty. Besides, it is provided that not less than 40 per cent of the *nominated* members (not 40 per cent of the *total* strength) shall be non-officials.

(2) *Proposed.*—We propose that of the *total strength* of the Council not less than 50 per cent shall consist of non-officials and not less than two-thirds (66 per cent) of the non-officials should be elected.

255. Thus while neither under 'non-officials' nor under 'elected members,' do we propose an actual immediate enhancement of the proportions, our recommendations regarding the statutory provisions mark a real constitutional advance. We have not confused the issues by insisting on gains in 'actuals,' since these may be uncertain and fleeting impressions unless embodied and embedded in the matrix of the proclamation, but we have improved "the permanent possibilities," the *materia prima*, by enhancing the *statutory minimum* of non-officials from an indefinite quantum (two-fifths of x, the indefinite number of the nominated) to 50 per cent of the totality. The Chairman would add that in thus balancing non-officials against officials, we have turned (or are just turning) one 'critical point' but there are other points (and promontories) still, in this Voyage of Discovery,—and we shall turn the Cape of Good Hope, and see the sun rising on the right, when we shall have further balanced the 'elected' against the 'nominated.' In the meanwhile, we are in the squally bay and must steer the vessel of State with all the skill of an intrepid circumnavigator.

256. (iii) *Reforms in British India (a) Morley-Minto Reforms.—Balancing Officials and Non-Officials.*—The official majority was retained in the Imperial Council, but there was a non-official majority in the Provincial Councils. In Madras, for example, there were 23 officials (including the 4 *ex-officio* members, the 2 experts and the Law Officer) against 26 non-officials, but of these non-officials 5 were nominated, so that it came to 21 'elected' against 28 'non-elected.' Omitting the 4 *ex-officio* members, this gives 58 per cent non-officials, and 47 per cent elected, against Mysore's 60 per cent non-officials and 43 per cent elected (actuals).

257. (*b*) *Montagu-Chelmsford Reforms.*—Under the Government of India Act, at least 80 per cent must be non-officials, and at least 70 per cent must be elected. The actuals are even better.

258. Now the constitutional significance of the above history of British Indian Reforms must not be missed. Up to the Morley-Minto Reforms, the Councils were advisory bodies, on a constitutional plan which was neither of the British type nor of the traditional unitary type of the Indian States. Accordingly, the increase of the 'non-official' or the 'elected' element had no such constitutional significance as it would have on either of the two latter plans. It meant only a fuller representation, on the advisory body, of the educated intermediary between a *ma-bap* Government and the people.

259. The Montford Reforms, on the other hand, reversed the engine: it placed responsible Government in the forefront of the *local* legislatures, and made them real law-making bodies (in spite of the reservations). Hence in course of time, early or late, with the full swing of the party system, the non-official and elected element would become the main support of the Ministry (Government), the nominated element would be eliminated, and the officials in the House as representing the Ministry will be there not to carry measures by the weight of numbers but to give a lead to their party who will form the majority in the House. A few members more or less of the Government in power would not then matter. In the meanwhile for the reserved half, as well as for the ultimate responsibility (not yet transferred to the peoples of

India), there is the machinery of reservations and certificates. This is therefore a new start in the history of Constitutional Reforms in British India.

260. In a Unitary Constitution, the jealousy of Government, which is such a characteristic feature of legislatures elsewhere, has no constitutional meaning or place. For the Government in this case are an organ of the one undivided Will, the unitary sovereignty of the Head-in-the-people, and represent the most extensive, primary, and abiding interest of the people. In fact, the meaning of an irremovable executive in these circumstances is (or should be) that the *people's party is always in power*. And when this comes to be definitely secured, in course of time, under the normal working of the referendum, the question of a majority of 'non-officials' or of elected members, or of the total elimination of nomination, is no longer one that is prompted by the jealousy of power,—what is sought is simply a security against the *predominance* of *one* single interest, of *one* single bias, that of the bureaucracy, whose favourite idol is authority, the parent of all other idols of the race,—but the problem of converting the servants of the sovereign into servants (not masters) of the people is not an insoluble one on the unitary plan and pattern: in fact, this is the centre of gravity of the whole system, or its position of stable equilibrium which it must reach in the end after passing through varieties of untried being.

261. Nor need we spend much ingenuity in solving the obverse problem, *viz.*, that of providing by the composition of the House that the shifting combinations of the various groups of members, officials and non-officials, or nominated and elected, may always leave a fair sporting chance of a majority to the Government side in any question of policy before the House. Under the Morley-Minto Scheme, or even under the Montford Reforms in the sphere of the larger half of Government responsible for the reserved subjects, this is one of the main grounds of anxiety,—and much management or '*menagement*' as you please, must be the unenviable lot of the Government whip, and the canvas has to be prepared with no less care than for a crowded battle scene, or for a scene in the Divine Comedy.

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262. It will indeed be found that, under our proposals, with 20 officials and the *ex-officio* members (the Dewan excepted), our Government will have to win over its side, in an extreme case, 4 out of the eight nominated non-official members to avoid a defeat, whereas under the Morley-Minto Scheme, to take Madras for example, the Government would require to win over 2 out of 5 nominated members in the same contingency. But all this matters little. Whether the officials form 40 per cent or only 20 per cent of the voting strength in the legislature, or whether Government must catch 50 per cent or only 40 per cent of the non-official votes, is a matter of detail, no doubt, a detail of much practical significance in the daily working of the machinery, but of no ulterior constitutional import in a polity which, based on a radical and unsundered unity between the Head and his people, works towards the goal of an articulate realisation of this unity through the device of a referendum-*cum*-initiative as well as through popular devolutions in many a sphere of public administration.

263. (iv) *Distribution of Seats.*—We propose to give 2 seats to the urban areas (1 to each of the 2 cities), 8 to rural constituencies (*viz.*, 1 to each of the districts), and 4 to special interests (*viz.*, 1 to the University, 1 to Commerce and Trade, 1 to Planting, and 1 to Labour). To give effect to the terms of the announcement, we propose 8 elected members from the Representative Assembly (in place of the existing 4). This makes up the total of 22 elected members. We propose, finally, to reserve 8 seats for the nomination, by Government, of non-officials, and recommend that, in filling up these seats, Government should keep in view such of the following as may be necessary:—depressed classes, child and woman welfare, industries (including mining), minorities and experts.

264. Thus urban and rural constituencies by primary election, and special interests and minorities, partly by primary election and partly by nomination, will form the staple of the representation, if we except the officials who will come in by nomination, as well as the members from the Representative Assembly who will come in by secondary election.

265. The following points are worthy of note :—

(1) Special interests will be more numerously represented in future, and that by election rather than by nomination. We have explained this constitutional development in the previous chapters.

(2) We have thus a composite legislature. Nomination for officials (and minorities) is of the essence of the law-making body in this polity. Primary election by *large and varied* rural as well as urban constituencies is equally essential, if we should want legislators of the right stamp fit to regulate masses of men, and embodying the collective wisdom and virtue of the people. But with increasing decentralisation of the local boards, a federal element representing these corporate bodies and coming in by secondary election is also essential (and integral) to the composite structure of the legislature. Unfortunately, the existing constitution of our District and Taluk Boards makes it a hard and unpromising task to convert them into electorates for the Legislative Council. Clubbing together the members of the District Boards and the seventy and odd taluks, we might get an electorate of perhaps a thousand non-official elected members who could be given the right to send, say, four members to the Council, but it is in any case difficult to decide whether the districts should be thus clubbed. That would be centralising the *de-centralised.* And this in a way which may lead, not to their integral place in a federal central legislature, but to a quasi-independent or co-ordinate group. Such complications are bound to come in future political history, but are yet too far below the horizon. The other plan would be to have an electorate consisting of the one hundred (or so) elected non-official members of the District Board and the Taluk Boards together, in each district area, and to allow 1 seat to each such electorate,—in all, 8 seats for the local bodies to be filled in by secondary election. But even if we could have thus formed an electorate of the right sort, the seats were not in *esse* and, accordingly, we have thrown out a suggestion (Messrs. Chandy and Matthan dissenting), that the member elected to the Legislative Council by the primary voters in a district should be nominated by Government to a seat on the District Board concerned.

Indeed, if this were made statutory (as it must be if the suggestion is accepted), it would practically mean a double election in one, *viz.*, to the Legislative Council and to the local body, by the same constituency, but at the same polling. It would at any rate be attended with the practical advantage of linking up the legislature with the local bodies (and administration), a matter of fundamental importance with the coming development of local self-government.

266. (3) The conversion of the Representative Assembly, one of the two constitutional Houses into a secondary electorate for the other House, will be regarded by some as a constitutional anomaly, by others as a historical survival. But anomalies and survivals may have passing values. Others, again, fear that the Representative Assembly may be thus bartering away its 'birthright' as a primary, original and independent source of constitutional power for a two-anna share of secondary, derivative and dependent influence in another House. The risk may not be wholly imaginary. As the eight representatives from the Representative Assembly come to acquire more and more, as they are bound to do, the character of deputies or mandate-bearing delegates, (whether this is desirable or otherwise) that mandate will be valued more and more at eight votes on a total of fifty-two; and this will be a source of chronic irritation in the body politic. Then perhaps it will be time to initiate a new and uncertain constitutional experiment, the giving of places without votes to these deputies from the people's House in the Legislative Council, in the same way as such places are given to members of the Executive Government in many a polity. But if such constitutional developments are to be avoided, the proper course would be to introduce 'proportional representation' as the method of election from the Representative Assembly to the Legislative Council. This will give, or will be calculated to give, a fair representation to the various shades of opinion in the Assembly, so that the mandatory character will be eliminated, and the majority in that Assembly will no longer stand to gain, or the minority to lose, doubly, *i.e.*, in both the constitutional Houses, as will be inevitable under any other method of election. But the goal is clear. With the advancing political consciousness

of the people and the extension of the suffrage, there will be a more marked separation both in structure and function between the two Houses, and the anomalous fraction, which is even less than the proverbial widow's share, will be not only a vanishing but a vanished fraction!

267. However that may be, the Representatives of the Assembly are not at present delegates in any proper sense of the term. While the functions of the two Houses are not clearly differentiated, and separate spheres of work demarcated, the Representatives from the Assembly perform a very useful function as a valuable link between the two Houses and give to the Assembly a measure of influence however small in matters of legislation and finance now more largely centered in the Legislative Council.

VII. Qualifications and Disqualifications.

268. (i) *Qualifications.*—We have discussed these in the chapter on the Representative Assembly: all that we need add here is that the property qualification of the candidate will be cent per cent higher under land revenue, and fifty per cent higher under mohatrafa (or municipal tax), than that of the voter. Every one who pays income-tax will be entitled to vote, but only those who pay Rs. 100 or more in the year will be eligible as candidates. Any graduate possessing the residential qualification will have the vote, but he will not be eligible as a candidate before he is of ten years' standing.

269. *Sine-qua-non.*—Literacy is not a *sine-qua-non* for the voter, but a member, whether elected or nominated, should possess in the opinion of the Government a sufficient knowledge of the English language to be able to take part in the proceedings of the Legislative Council. This is not required in the case of a member of the Representative Assembly. The Indian Legislatures are also freer in this respect. The citizenship qualification will be insisted upon for voter and candidate alike, except that, for the representative of a special interest, either by election or by nomination, Government may grant exemption in special cases.

270. We do not require any deposit by a candidate as a security against frivolous candidature, but we require such deposit in the case of an objection petition.

271. (ii) *Disqualifications.*—There will be differences between voter and member in the following respects:—

(1) Age below 21 is a disqualification for the voter, below 25 for a member.

(2) Women are ineligible for membership, but eligible for the vote.

The Committee however would recommend as an exception that Government may nominate a woman member to represent child and woman welfare.

(3) Government servants (with the exception of shanbhogs, patels and other hereditary officers) will be ineligible as candidates, but all will be eligible to vote.

Messrs. Matthan, Venkatesaiya and Abbas Khan are of opinion that Government servants should not be eligible to vote.

VIII. Corrupt Practices.

272. We have defined a corrupt practice, but we have not considered it our province to suggest new provisions in the Penal laws for bribery, personation, or any other corrupt practice in connection with the elections. Such penalties are of course highly essential, as mere invalidation of an election often punishes the innocent rather than the guilty. We have not disqualified the candidate either permanently or for a term for any corrupt practice as such. A sentence of a Criminal Court of a certain gravity will disqualify for candidature (or membership,) whatever be the character of the offence. We would suggest an Elections Offences and Inquiries Act on the lines of Chapter IX-A of the British Indian Penal Code.

IX. Objection Petitions.

273. We propose (Mr. Venkatesaiya dissenting) a difference as regards the Court of Inquiry and the procedure, for objection petitions against elections to the Representative Assembly and those against elections to the Legislative Council. In the former case, the Deputy Commissioner

will hold a summary judicial inquiry as defined in the Land Revenue Code, an appeal shall lie to the Government against his decision, and the order of Government shall be final. In the case of an election to the Legislative Council, the court will be that of the District Judge, the inquiry will be a regular judicial one, and the decision of the District Judge will be final.

X Polling Officers.

274. We provide (Mr. Venkatesaiya dissenting) for the association of non-officials with the polling officer for assisting him in recording the votes of illiterate voters. All such non-officials will be held responsible in the same way as public servants (or officers).

XI. Sex-disqualifications.

275. The Chairman would observe (Dewan Bahadur Puttanna Chetty and Messrs. Venkatesaiya, Sreenivasa Rao and Ramaswami Chetty agreeing) that feminism has to be viewed in India from a different angle to that of the West. It is a well-known fact that a militaristic and patriarchal civilisation widens the gulf between man and woman. Accordingly, the cranial capacity and cerebral weight of the male differ from those of the female far more markedly in the Anglo-Saxon, the Teutonic, and the Latin races, than in the Indian (or even the Chinese) peoples. This is also the case with the pitch and timbre of the voice, the vital capacity, the affective and neural characters, and other anatomical or physiological factors which differentiate the sexes. Accordingly, the social sex-antagonism, which breaks out in feminism in all its forms, social, industrial and political, and in suffragettism, which is but one of the political manifestations of feminism in certain societies at a particular stage, has a physical basis in the West, but has no root (or nidus) in the soil of pacifist civilisations like those of India and China. The same holds good among those peoples and in those countries (*i.e.*, Burma, Dravida country, etc.) which have developed a patriarchal family out of an original matriarchal radicle. In all such cases, the protective instinct tempered by *comraderie*, which is the natural relation between man and woman, has not been disturbed by an acute sense of a late-supervening sex-jealousy or sex antagonism. In the West,

however, if it was militarism that originally accentuated the sex differentiation, it has been militarism *in excelsis*, the furore of the Great War, that has brought together man and woman, and put an end to their social war, and to a thousand feminist or suffragette fights that might have been. But the problem of problems in the West will be to work the political machinery in such a way as to work out this complex of sex-antagonism (which is, as the Freudian knows, but a repressed sex attraction), and build the New State of Man-and-Woman on their harmonious co-operation. In the East, the problem is not complicated by this acute sex-antagonism; on the other hand, it is the man's mingled sentiment of reverence and tenderness towards this 'thing,' half-mother—half-child, that stands as the Great Barrier, but the gales are blowing from all quarters of the Heavens, the seas are running high, and the floods are beating against this barrier reef between two continents, and will in no distant time bear it away.

For while the tired waves, vainly breaking,
Seems here no painful inch to gain,
Far back, through creeks and inlets making,
Comes silent, flooding in, the main.

And not by eastern windows only,
When day light comes, comes in the light,
In front, the Sun climbs slow, how slowly,
But westward, look, the land is bright.

CHAPTER IV.--Standing Committees—Central Development Boards—District Boards—The Proclamation.

276. The scope and function of Standing Committees and Development Boards, and the relation of District Boards to the Central Legislature, in the proposed Mysore Constitution, have been explained by us in the General Survey in the first chapter as well as in the chapter on the Legislative Council. We will therefore refrain from discussing these topics here, but only formulate our proposals with a prefatory note.

I. Standing Committees.

277. The jealousy of Standing Committees on the part of the free unattached member, which has been a special feature of some of the American Legislatures, is not entirely groundless, for such committees tend to create too many small (if not private) centres of interest and may fritter away the collective control. But on the other hand there can be nothing better for associating the people's representatives with administration and educating them in the responsibilities thereof, and in a Unitary Constitution this is one of the guarantees of the people's constitutional unity with the Government. Moreover, in the present case, the constitution of these bodies as *joint* committees of a *Legislative* and a *Representative* Chamber, as well as the double-distilled selection—nomination by Government from an elected panel—will be a sufficient safeguard against any undesirable developments of rings and caucuses.

II. Central Development Boards.

278. It is function that determines structure, and accordingly as the formulation of schemes of development (including regional survey, investigation, experiment and advice) will be the responsible work of these bodies in the new Constitution, we have recommended that the members should be chosen not as representing localities (districts),

communities, or interests as such, but for their competence to undertake surveys and to advise on questions of development, keeping in view the various activities and interests that come within the scope of their work. But these miscellaneous representatives of District Boards *as such* have no place. There will be a sufficient number of members on each central board intimately connected with the interior of the State. They will necessarily be mixed bodies, official and non-official, as no development will be feasible without full co-operation between the development departments of the State and the non-official experts, professional or otherwise, representing the public point of view. With the coming economic development of the people, a variety of agricultural, industrial, commercial, educational and professional interests and pursuits will emerge in the country, and no bureaucracy, however trained and efficient, can succeed without interested and informed non-official co-operation and check.

III. District Boards.

279. We have touched only the fringe of the subject, as the terms of reference did not permit us a wider survey. The possible lines of development are:—

(1) The institution of district councils as aids to the district administration. This might have had a place in British India under the conditions of its Civil Service organisation, but its suitability to our conditions requires investigation.

(2) Finding a constitutional place for District Conferences, which would then be miniature Representative Assemblies for the districts. Such formal duplications of structure are a mark of inferior organisation, and are unnecessary. We should not be understood as under-valuing the advantages of District Conferences for purposes of administration and economic development, but only observe that they can have no place in the Constitution.

(3) Development of country councils, or *conseils*,—on the Irish, Canadian or Swiss plans. But you cannot transplant these on Indian soil.

(4) Development of Village Panchayets, Unions and Circles, leading up from the village community as the primary unit at the bottom of the ladder to the District Board at the top.

280. This is the true Jacob's ladder for a safe and sure ascent to the democrat's Heaven. And this is the plan of the Indian rural organisation which is still visible in outline however dilapidated may be the walls; and it may even now be restored with some facings and buttresses from modern county council developments of those agricultural countries in the West.

281. We have not worked the plan out nor mapped the road, but this is the line of least resistance, and also the shortest cut to our destination (and destiny).

282. We have occupied ourselves merely with some suggestions as to the relation of District Boards to the central administration and the departments, those agencies respectively, of central control and standardisation. Reference of Local Subjects to District Boards is no doubt a first step in decentralisation, but unless the latter are empowered to dispose of some of these local matters direct or in correspondence with the local representative of the Central Government (the Deputy Commissioner), unless also they are given powers of control, and of inspection and criticism, as the case may be, of any local works or service carried on by a department, especially when subsidised by a local body, and finally, unless the benefits of the Panchayet are brought home to the villager in the concerns of his daily life, our moribund local bodies in the interior can never be galvanised into life by the dead formality of a 'reference,' or a 'deader' devolution (or involution) in paper.

283. Our local bodies are the paralytic lower limbs of the administration. That is the imminent risk in Mysore (as everywhere else in India), that weakness in the lumbar region, and we must beware lest by throwing an Atlas's load of State responsibilities on drooping shoulders we break the spine! There can be no constitutional Reform in Mysore without the reform of the raiyat at the plough. Let it be burnt into the consciousness of all politicians that unless a people can be shown to be managing the village Panch and Council, there can be no

question of real or realised popular Government,—in spite of a hundred conferences and mass meetings. Our first concern then is to make village Government real.

IV. The Proclamation.

284. Our remarks on the Proclamation will be found in the chapter on the Legislative Council (Chapter III) under the heading "Amendments to the Constitution." In our recommendations which will be found at the end of this Chapter, we have sought to make it clear that the Proclamation should be of a comprehensive and fundamental character, presenting in outline the scheme of Reforms, and leaving scope for gradual development in the coming history of the constitution. It will have the nobility of a great conception, and the grace of a spontaneous boon from the Ruler to his people. It will also have the historic dignity and solemnity of a great Indian Charter.

285. We would add that a phrase from the Vedic Coronation oath, a citation from the Dharma Shastras and the Mahabharata about King Dharma *in the Ruler* guaranteeing justice, security and *dharma* to all individual subjects alike, a pregnant prescript from Asoka's edict discovered in these domains, the itinerant Buddhist preacher's declaration to all kings and all subjects that *Dharma* is the law of Nations, and, finally, a reference to the two-headed eagle of Karnataka, interpreted as the symbol of the unity of the Head-in-the-people!—should adorn the Proclamation. They are infinitely better constitutional safeguards than any Organic Law or any Declaration of Rights, which have never yet prevented that most perfect of all tyrannies, the irresponsible will of the majority, in any democracy, from laying violent hands on individual liberty, or on the lives and property of minorities. No court of Areopagus, no Justiza of Aragon, no Federal Supreme Court, no Hague arbitrations, nor any other machinery that ever has been, or will be, invented by man in his generations, can devise a material check on the irresponsible will, in an irresistible majority or *force majeure*, and the only remedy in the case is the willing homage,—happy if it is a traditional homage!—of that will, and of all wills in the State to the Law of Laws, Dharma, *proclaimed* in the forefront of the constitution as the inscrutable and inexorable Ruler of the Universe!

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Committee's Recommendations.

TABLE OF CONTENTS

PAGES

I. THE REPRESENTATIVE ASSEMBLY.—

1. Place in the Constitution 115
2. Legislative measures 115
3. Rules of Procedure 117
4. New Taxes 117
5. Interpellations 117
6. Representations 118
7. Resolutions 119
8. Discussion of the budget 119
9. Strength of the Assembly 121
10. Electorates 121
11. Minorities 122
12. Special interests 124
13. Qualifications and disqualifications 124
14. Length and frequency of the Sessions ... 128
15. Order of business 128
16. Election Rules, corrupt practices and objection petitions 129
17. Standing Committee 129

II. THE LEGISLATIVE COUNCIL.—

1. Strength and composition of the Council ... 130
2. Electorates — 131—132
   (i) Urban constituencies 131
   (ii) Rural constituencies 131
   (iii) Special interests 132
   (iv) Representative Assembly 132
3. Qualifications and Disqualifications ... 132—135
   (i) Qualifications for voters— ... 132—134
      (*a*) Rural Constituencies 132
      (*b*) Urban constituencies, Special interests and Representative Assembly ... 133
   (ii) Qualifications for candidates and members ... 133
      (A) Rural and Urban constituencies ... 133
      (B) Special Interests and Representative Assembly 134
   (iii) Further qualifications, residence, domicile and citizenship 134
   (iv) Disqualifications— 135
      (1) Voters 135
      (2) Candidates 135

PAGES

4. Election Rules, corrupt practices and objection petitions 136
5. Interpellations and Resolutions 136
   (i) Interpellations 136
   (ii) Resolutions 136
6. Voting on Budget, Re-appropriations and Supplementary Grants :— ... 136—139
   (i) Discussion of the budget 137
   (ii) Voting on demands for grants 137
   (iii) Motions 138
   (iv) Powers of Government 138
   (v) Re-appropriation 139
   (vi) Supplementary or additional grants ... 139
   (vii) Excess grants 139
7. Revision of the Rules of Business 140

III. STANDING COMMITTEES.—

Central Development Boards, District Boards, The Proclamation— 140—145

1. Standing Committees 140
2. The Economic Development Boards and Central Boards, Revision of the constitution of— 141
   (i) Board of Education 142
   (ii) Board of Agriculture 142
   (iii) Board of Industries and Commerce. Economic Conference unnecessary ... 144
3. District Boards.
4. Provisions to be incorporated in the Proclamation 145

Recommendations of the Committee.

[NOTE.—These recommendations are mostly unanimous or *nem con.* The dissents are noted only where desired.]

I. Representative Assembly.

1. *Place in the Constitution.*—(Item 1 in the order of Reference. "The Representative Assembly will be given a definite place in the Constitution"—ANNOUNCEMENT).

The Representative Assembly should be given a definite place in the constitution by a Special Proclamation of His Highness the Maharaja under the Sign Manual. The manner in which this may be done is indicated in the body of the Report.

2. *Legislative measures.*—["It will be consulted in regard to all important legislative measures. The Legislative programme of the year will be placed before the Representative Assembly in the Dasara Session and the general principles of the bills will be discussed there. In cases where legislation is introduced in the Legislative Council before discussion in the Assembly, His Highness the Maharaja will ordinarily (*i.e.*, except in urgent cases) reserve his assent until the close of the next Session of the Representative Assembly."—ANNOUNCEMENT].

In this connection the Committee settled the following points:—

(*a*) The Representative Assembly should ordinarily be consulted about every important legislative measure before the first reading of the Bill in the Legislative Council.

(*b*) All legislative measures about which the Representative Assembly is to be consulted shall be placed before it with a statement embodying the general principles of such measures.

(*c*) The discussion will be confined to the general principles of the Bills.

The opinion of the Assembly in respect of the general principles of any measure placed before it, shall be ascertained by taking votes.

(*d*) Any member may propose an amendment to the general principles of any measure, *but not to particular clauses in the Bill.* The President may thereupon, at his discretion, obtain the opinion of the Assembly by taking votes.

(*e*) (i) In respect of every important measure of legislation introduced in, and passed by, the Legislative Council, which is not urgent and which has not been included in the Legislative programme presented to the Assembly, the Representative Assembly should be consulted before the Bill is submitted to His Highness the Maharaja. (Messrs. Matthan and Abbas Khan dissenting.)

(ii) After consulting the Assembly, it may be left open to Government to adopt such course as it may consider proper according to the circumstances of the case, *i.e.*, whether to submit the Bill as passed by the Council to His Highness with the opinion of the Assembly, or to place the opinion of the Assembly before the Legislative Council for further consideration of the Bill making such amendments therein as it may consider necessary in the light of the discussions at the Representative Assembly before the measure is submitted to His Highness, or to drop the original Bill and to place a new or amended Bill before the Council, or to adopt any other course that it may be considered proper.

(*f*) In the case of Bills brought forward by non-official members, which have received the sanction of the Dewan, the general principles as sent in by the member, shall be placed before the Representative Assembly at its next Session, before the Bill is introduced in the Legislative Council.

(*g*) When the general principles of a Bill have been discussed in the Representative Assembly, the opinion of

the Assembly will be placed before the Legislative Council.

(*h*) Such officials as are nominated by Government, may attend the sittings of the Assembly and take part in the discussions but without the right to vote.

3. *Rules of Procedure.*—(*Vide* Annexure I.)

4. *New Taxes.*—("No new tax will be levied without previously consulting the Representative Assembly.") —ANNOUNCEMENT.

(*a*) By new taxes are meant taxes which require for their imposition the passing of a fresh Regulation, or the amendment of an existing Regulation.

(*b*) Proposals for levy of new taxes shall be laid before the Assembly for discussion and the opinion of the Assembly shall be ascertained by taking votes. Any modification which may be suggested in the course of discussion may at the descretion of the President be also put to the vote.

(*c*) In case of new taxation involving legislation, the Committee is of opinion that the Representative Assembly should be consulted before legislation is introduced into the Legislative Council.

5. *Interpellations.*—(Item 7 in the order of Reference.)

(*a*) For selecting the interpellations and subjects to be brought up at each session of the Representative Assembly, there shall be a Standing Committee consisting of fifteen members elected by the Assembly. Until the Standing Committee is constituted, the existing rules about the selection of subjects and interpellations at District meetings shall continue.

(*b*) In order that a question may be admissible, it must satisfy the following conditions, *viz.*,

(1) If it contains a statement of fact, the member must make himself responsible for the accuracy of the statement.

(2) Questions must be so framed as to be merely requests for information and must not be in argumentative or hypothetical form or defamatory of any person or section of the community; and each question must deal with a single subject though it may be divided into convenient subordinate questions.

(3) It must not be asked as to the character or conduct of any person except in his official or public capacity.

(*c*) The President may disallow any interpellation, as not satisfying the conditions hereinbefore laid down, or, as not being in the public interest, before sending the interpellations to the Standing Committee.

(*d*) The President may, in his descretion, permit any member to put a supplementary question for the purpose of further elucidating any matter of fact, regarding which an answer has been given.

(*e*) No discussion shall be permitted in respect of any question or of any answer given to a question.

(*f*) The number of interpellations to be brought up at the Dasara and Budget Sessions shall not exceed fifty each; and the Standing Committee, who will make the selection of interpellations up to the above limit, shall forward the selected list of interpellations to Government not less than one month before the opening of the Session.

(*g*) Every member shall have the right to give notice of not more than two interpellations.

(For supplementary provisions, *Vide* Rules of Business and Procedure, Annexure I).

6. *Representations*:—(Item 7 in the order of Reference).

(*a*) Representations which are intended to be brought before the Assembly shall state clearly the subject-matter and nature of the Representation.

(*b*) No member shall send more than five representations for any one session.

(*c*) The Government will, after the necessary scrutiny, disallow such representations as are inadmissible owing to their exclusion from the purview of the Assembly, or on the ground that they cannot be moved without detriment to the public interest, or for other *valid* reasons; and the remaining representations will be referred to the Standing Committee appointed for the purpose. The Committee will select for discussion such of the representations to the number allowed for the session as may appear to it to be more urgent or important.

(*d*) The maximum number of subjects (representations) which may be brought forward at the Dasara Session may be fixed at 150; and at the Budget Session at 50. Subjects not disposed of at any sessions will lapse.

(*e*) The President may at his discretion admit in addition to the number above fixed any other representation on behalf of special interests, minorities or others.

(*f*) Subjects of a local nature will be referred by the Standing Committee to the District Board.

(For supplementary provisions, *vide* Rules of Business and Procedure, Annexure I.)

7. *Resolutions.*—(Item 7 in the order of Reference.) The Representative Assembly will be given the right to move Resolutions on matters relating to the public administration, and also on the annual State Budget.—ANNOUNCEMENT.)

(*a*) (1) Every Resolution shall be in the form of a specific recommendation addressed to the Government.

(2) It shall be clearly and precisely expressed and shall raise a definite issue.

(3) It shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of any person except in his official capacity.

(*b*) The President shall decide whether a Resolution is inadmissible as relating to a subject not within the competence of the Assembly.

(*c*) The President may also disallow any Resolution, or any part of a Resolution, on the ground that it cannot be moved without detriment to the public interests.

(*d*) The number of Resolutions to be brought forward will be limited to 25 at the Dasara Session and to 10 (being other than Resolutions on the Budget) at the Budget Session. Resolutions not disposed of at any session will lapse.

(For supplementary provisions, *vide* Rules of Business and Procedure, Annexure I.)

8. *Discussion of the Budget.*—The present practice of such members as require information meeting the Financial Secretary and the Comptroller will continue.

A. Budget Session.

The Budget will be discussed by the Assembly at the Budget Session, in two stages :—

(1) The moving of resolutions ; and

(2) A general discussion.

The Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein.

B. Resolutions.

(*a*) A Resolution should comply with the following conditions :—

(1) It shall be in the form of a specific recommendation addressed to the Government.

(2) It shall be clearly and precisely expressed and shall raise a definite issue.

(3) It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of any person except in his official capacity.

(4) It shall be directly relevant to some entry in the Budget.

(5) If it contains a recommendation which would have the effect of increasing expenditure chargable to revenue or not chargeable to revenue, it should also contain a specific recommendation for a corresponding reduction in expenditure or increase in revenue or receipt as entered in the Budget.

(*b*) For Budget resolutions by the Representative Assembly, the excluded subjects will be the same as those for the voting of grants by the Legislative Council. If any question arises whether any Resolution relates to the excluded items, the decision of the Dewan on the question shall be final.

(*c*) The Government may disallow any Resolution which does not comply with the conditions laid down in (*a*) above or which or any part of which, cannot, in their opinion, be moved consistently with the public interests, and the ruling of the Dewan is final.

(*d*) Any Resolution, if carried, shall have effect only as a recommendation to the Government.

(*e*) The Resolutions of the Representative Assembly on the Budget shall be communicated to the members of the Legislative Council for their information.

(For supplementary provision relating to notice, time, etc., see Rules of Business and Procedure.)

9. *Strength of the Assembly.*—(Item 3 in the order of Reference.—"The strength of the Assembly will be fixed at about 200, provision being also made for the representation, if necessary, by nomination, of minorities and special interests. The Dewan will continue to be the President of the Assembly, and the Members of Council will be Vice-Presidents."—ANNOUNCEMENT.)

The strength of the Assembly has been fixed at 250, distributed as follows :—

	Seats.
Rural Constituencies	163
Urban Constituencies	37
Special interests	15
Minorities	35
Total	250

Such officials as are nominated by Government may attend the sittings of the Assembly and take part in the discussions, but without the right to vote.

NOTE.—Thirty-five seats will be reserved for minorities out of which 25 will be filled up by appointments from Associations and 10 by nominations. If there should be any vacancies in the number to be appointed from Associations, they may also be filled up by nomination. 15 seats should be reserved for special interests, and in the absence of recognized Associations, members may be nominated by Government.

In either case, the total number should not be liable to be reduced by non-recognition of Associations or omission to nominate.

10. *Electorates.*—(Item No. 4 in the order of Reference.—"Details as to the constitution of the Assembly, the electorates, whether all the elected members should be chosen by primary or direct election or partly primary and partly secondary as is now the case, the length and frequency of its sessions, the procedure of the House, and the order of business will be worked out and submitted

for the consideration of Government by a small mixed Committee of official and non-official members."—(Announcement.)

Schedule A to this report contains the detailed list of constituencies, the class to which each belongs, and the number of members it is entitled to return. In the case of Special Interests there is an additional column specifying the electors for the several constituencies. The existing classification of Taluks and Sub-Taluks has been kept up with a slight modification in the case of Bowringpet Taluk. The Committee settled that the Kolar Gold Fields Sanitary Board area be formed into a separate electorate with two members and that the remaining area of the Bowringpet Taluk should return two members for the Taluk. We wish to add that the electorates have been constituted on the basis of the information that is now available and may require revision in the light of further and fuller information than is now available regarding population, revenue, literacy, voting strength and other relevant considerations, regarding the several constituencies.

N.B.—As stated in the interim report, the Jahgirs of Yelandur and Sringeri have not been included in the constituencies proposed by us as we think that the question of giving representation to the qualified people in these Jahgirs may be taken up by Government, such representation being in addition to the 250 seats already fixed.

Election.—We consider that election to the Representative Assembly should be primary and the several electorates have been formed on that basis. Municipal Councils and District Boards (including Kolar Gold Fields Sanitary Board) will cease to depute members to the Assembly. When urban areas are constituted into special electorates, the election will be primary, and the electorates should be composed of ratepayers and others who possess the prescribed qualifications to entitle them to be registered as voters.

11. *Minorities.*—The following principles in this connection were settled by the Committee:—

(i) For the representation of minorities the best way is to allow representation through Associations and by nomination, if necessary, for the purpose of securing adequate representation. (Messrs. Matthan, Abbas Khan and Ramaswamy Chetty dissenting.)

(ii) The number of seats to be reserved for the representation of minorities by Associations shall be 25; such minorities being communities numbering not less than 20,000 persons as classified in Census Tables.

(iii) In the apportionment of seats among minority communities by means of Associations, the following facts should be considered by Government—

(1) Numerical Population.
(2) Voting strength, and
(3) Literacy.

(iv) Any minority community which numbers not less than twenty thousand persons and which is not represented in the Representative Assembly through the general electorates shall not be denied representation through an Association if it applies for it.

(v) Ten seats shall be set apart for the representation of minorities by nomination by Government.

(vi) Associations through which representation is sought in the case of minorities must satisfy the following conditions. (Messrs. Chandy, Matthan, Ramaswamy Chetty and Abbas Khan dissenting in regard to some of the conditions.)

(*a*) An Association must have been formed for the furtherance of one or more specific interests of the community or for the general advancement of the community.

(*b*) It shall be registered under the Mysore Societies Registration Regulation. (Messrs. Chandy, Matthan, Abbas Khan and Ramaswamy Chetty dissenting.)

(*c*) When any minority community has an Association with branches or has two or more such Associations, two or more of them may, when necessary, be grouped together by Government for the election of the member or members to be returned by the minority.

(*d*) The number of members on the roll of the Association or Associations grouped shall not be less than one hundred members (other than Government officials) or such other figure as

may from time to time be fixed by Government. (The above members dissenting.)

(*e*) Meetings of the managing committee of the Association shall be held at least once in three months. (The above members dissenting.)

(*f*) Bye-laws of the Association and all subsequent changes as and when they are made shall be submitted to Government.

(*g*) Six months before every triennial election, the Register of Associations—to which the privilege of deputing a member is granted—shall be revised by Government after such enquiry as the Government may deem proper; and such enquiry is to ensure that the privilege is exercised by Associations doing real public work. (The above members dissenting.)

(*h*) The application for recognition should be made to Government by the Association concerned. A Society registered under the Co-operative Societies Regulation may also be recognised provided membership in the Society is confined to the minority community.

(vii) Pending the consideration and disposal by Government of the final report of the Committee, Government may continue to grant representation to the existing Associations.

12. *Special Interests.*—In the case of special interests the Committee resolved that 15 seats should be set apart for their representation either through recognised Associations or other bodies or by nomination by Government where necessary. We have indicated in Schedule A, the bodies which should elect the members, except in the case of 4 seats reserved for labour and industries. Associations through which representation is sought should satisfy the same conditions as are presribed for Associations in the case of minorities. Till Associations come into existence to represent these interests, we propose that the seats be filled up by nomination by Government.

13. *Qualifications and Disqualifications.*—(Items 2 and 5 in the order of Reference.)

"The qualifications prescribed for voters will be substantially reduced, so as to extend the franchise to a considerable extent. The sex disqualification for voters will be removed."—(ANNOUNCEMENT.)

Qualifications.

A. RURAL CONSTITUENCIES.

The following persons will be qualified to vote at the elections for a Taluk or Sub-Taluk and for the Kolar Gold Fields Sanitary Board area:—

(*a*) Every person—

(1) who is the registered occupant of land assessed to land revenue of not less than Rs. 25 per annum payable to Government, or

(2) who is a kadim tenant paying an annual rent of not less than Rs. 25 per annum to the holder of an alienated village (the Jahgirs of Yelandur and Sringeri excepted) to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied, or

(3) who pays annual Mohatarfa or Municipal tax of not less than Rs. 5.

(*b*) Every person who is the owner of one or more entire Inam villages with a total beriz of Rs. 125 per annum, and who ordinarily resides in that taluk or sub-taluk.

(*c*) Every graduate of a University who ordinarily resides in that taluk or sub-taluk.

(*d*) Every person who is a retired and pensioned officer (whether Commissioned or non-Commissioned) of the Mysore State Troops and who resides in the constituency.

(*e*) Every person paying income-tax to Government.

Note.—(1) If property is held or payments are made jointly by the members of a joint-family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised, in the case of a Hindu joint family by the manager thereof, or the member authorised by a majority of a family, and in other cases by the member or partner authorised in that behalf by a majority of a family or the partnership concerned.

Explanation: —"Partnership" includes a Company, a Firm, Association, Body of two or more guardians or trustees or the joint pattadars or other body possessing joint rights.

(2) Qualifications for voting and membership shall be the same.

B. URBAN CONSTITUENCIES.

(*a*) The *property* qualifications of voters to the Representative Assembly in Urban constituencies will be the same as those for voters for the Municipal elections in the constituencies concerned. It is observed that these qualifications differ in the different Municipalities and that some of these Municipalities are minor Municipalities. The other qualifications shall be the same as for the rural constituencies.

(*b*) Qualifications for membership and voting shall be the same.

(*c*) Voters for urban constituencies are not entitled as such to vote at elections in rural constituencies. To entitle them to vote, they must possess the property or other qualifications prescribed for rural constituencies.

(*d*) Graduates and Military pensioners who vote in urban constituencies are not entitled to vote as such in rural constituencies in which the urban area is situated, unless otherwise qualified. (Messrs. Venkatesaiya and Srinivasa Rao dissenting.)

C. SPECIAL INTERESTS.

Vide Schedule A under column "Electors." Qualifications for the candidates will be the same.

D. MINORITIES. (Associations.)

Both for voting and for candidature the qualifications shall be same as for Membership of the Association.

E. FURTHER QUALIFICATIONS OF LITERACY, RESIDENCE, CITIZENSHIP AND DOMICILE COMMON TO ALL CLASSES OF CONSTITUENCIES.

We consider—

(1) That no literacy qualifications need be prescribed in the case of voters and candidates for the Representative Assembly.

(2) That voters and candidates for the Representative Assembly should be subjects of Mysore by birth or domicile; and

(3) That in addition, the voters and candidates for the Representative Assembly should have resided in Mysore State (outside Civil and Military Station, Bangalore) for at least three years;

Provided that in the case of persons possessing the prescribed property qualifications within the jurisdiction of Mysore State, residence in the Civil and Military Station, Bangalore, shall not disqualify for voting or for candidature.

Provided further that in the case of Mysoreans by birth or persons who have already acquired a Mysore domicile by residence of not less than five years, residence in the Mysore State of six months prior to the date fixed for the preparation of the Register shall be deemed sufficient.

Exception:—In the case of candidates and members for special interests, the Government may grant exemption in special cases.

Disqualifications.

The following disqualifications in the case of all Constituencies may be prescribed:—

A. VOTERS.

No person can vote who is—

(1) Under 21 years of age.

(2) Of unsound mind; or

(3) An undischarged insolvent or bankrupt; or

(4) Sentenced by a Criminal Court to imprisonment for six months or more or convicted of an offence punishable with imprisonment for seven years or more.

(5) A dismissed Government servant.

Provided that in (4) and (5) the disqualification will cease to operate after ten years from the date of release unless the same is removed earlier by an order of Government.

B. CANDIDATES AND MEMBERS.

No person is eligible as a candidate or member who is

(1) Under 21 years of age ; or

(2) Of unsound mind; or

(3) An undischarged insolvent or bankrupt; or

(4) Sentenced by a Criminal Court to imprisonment for six months or more, or convicted of an offence punishble with imprisonment for seven years or more; or

(5) A dismissed Government servant.

Provided that in (4) and (5) the disqualification will cease to operate after ten years from date of release unless the same is removed earlier by an order of Government.

(6) A female ; or

(7) A Government servant.

Note 1.—The term "Government Servant" will not include a Shanbhog, Patel or other hereditary officer.

Note 2.—The question as to whether the Committee can take up the subject of the removal of sex disqualification for candidates for the Representative Assembly was decided in the negative as being outside the province of the Committee's investigation and recommendations.

14. *Length and frequency of the Sessions.*—(Item No. 7 in the order of Reference).

There shall be two meetings of the Assembly to be convened by the Government every year. The first meeting shall be convened in connection with the Dasara festival and another should be convened in sufficient time to enable the due consideration of the Budget. Provided that besides the "Dasara Session" and the "Budget Session," as the above two sessions may be called, it shall be competent for the Government to convene one or more special sessions of the Assembly as the state of public business may require.

15. *Order of Business.*—(Item 7 in the order of Reference).

The items of business to be transacted at the several sessions of the Assembly were settled as follows:—

(1) *At the Dasara Session.*—

	Days.
(*a*) The Address of the Dewan-President, Interpellations and Balloting for precedence of resolutions	1
(*b*) Government business	2
(*c*) Discussion of representations	4
(*d*) Resolutions	3

(2) *At the Budget Session.*—

(*a*) Opening speech of the President and presentation of the Budget; interpellations; Balloting for Resolutions	1
(*b*) Government business	1
(*c*) Budget Discussion—	
(i) Resolutions on the Budget	2
(ii) General debate on the Budget	2

Note.—The present informal procedure under which the Financial Secretary and the Comptroller meet such members as require information will continue.

(*d*) Representations	2
(*e*) Other Resolutions	1

Note.—The Government to have the right to bring up its business as not to encroach upon the time allotted for private members.

(3) *At a Special Session.*—The arrangement of business at a Special Session shall be as the President may direct;

(4) *Proviso.*—Provided that the Government may rearrange the business of any session but so as not to reduce the time allotted for private members' business, except with the assent of the House.

The maximum duration of the sessions shall not exceed the period of 15 sitting days in the Dasara Session, 10 sitting days in the Budget Session or 5 sitting days for a Special Session.

16. *Election Rules, Corrupt practices and Objection petitions.*—(Item 6 of the order of Reference.) (*Vide* draft rules regarding Elections, etc.,——Annexure II.)

17. *Standing Committee.*—(*Vide* under III—Standing Committees.) 9

18. Resolutions of the Representative Assembly and their opinion on legislative measures and new taxes, will have a recommendatory value, and are not binding on the Government.

II. Legislative Council.

1. STRENGTH AND COMPOSITION OF THE COUNCIL.

(*Item 9 in the order of reference.*)

"Its strength will be increased and fixed at not less than 40 and not more than 50 members. The number of members elected from the Representative Assembly to this body will be substantially increased. Provision will be made for the representation of special interests, such as industries and commerce, planting, educational and of minorities. The details of the constitution of the Council will be worked out by the mixed Committee referred to above."—ANNOUNCEMENT.

(*a*) *Strength and Composition of the Council.*— Exclusive of the *ex-officio* members, the strength of the Council may be fixed at 50. Not less than 50 per cent of the total strength of the Council (excluding the *ex-officio* members) shall consist of non-officials; and not more than one-third of the non-officials shall be nominated.

The following distribution of seats between elected and nominated official and non-official members was agreed to by the Committee.

Members.—Total 50 excluding ex-officio members.

ELECTED	NOMINATED.	
	Official	Non-official
22	20	8

In addition to this number, the Government may, for the purpose of any Bill introduced or proposed to be introduced in the Council, nominate not more than two persons having special knowledge or experience of the subject-matter of the Bill.

N.B.—In filling up the 8 seats reserved for non-officials under nominations, Government may keep in view such of the following as may be found necessary, *viz.*—

Depressed classes.	Minorities and
Child and woman welfare.	Experts.
Industries (including mining).	

2. ELECTORATES.

The members to be elected shall be returned by the constituencies specified below :—

List of Constituencies.

Name of Constituency	Extent of Constituency	Electors	No. of members
	(i) Urban Constituencies.		
Bangalore City Municipality.	Area comprised in the Bangalore City Municipality.	Those possessing the qualification prescribed under section 3 *infra*, the property qualifications being the same as for electors in the City Municipality, also women with like qualification.	1
Mysore City Municipality.	Area comprised in the Mysore City Municipality.	Do ...	1
	(ii) Rural Constituencies.		
Bangalore ...	Bangalore District excluding Bangalore City Municipal area.	Those possessing the property and other qualifications prescribed in section 3 *infra*.	1
Mysore ...	The District of Mysore excluding the Mysore City Municipal area.	Do ..	1
Kolar ...	The District of Kolar	Do ..	1
Tumkur ...	Do Tumkur	Do ..	1
Hassan ...	Do Hassan	Do ..	1
Kadur ..	Do Kadur	Do ..	1
Shimoga ..	Do Shimoga	Do ..	1
Chitaldrug ...	Do Chitaldrug	Do ..	1

Name of Constituency	Electors	No. of member
	(iii) Special Interests (Non-territorial.)	
Mysore University ...	The Fellows of the Mysore University.	1
Commerce and trade ...	.. ..	1
Planting ...	Owners of estates of 50 acres and upwards under coffee, tea, cardamom and rubber.	1
Labour	Electorate to be formed. Until then, this seat may be filled up by nomination by Government.	1
	(iv) Representative Assembly.	
Representative Assembly	Members of the Representative Assembly.	8
	Total ...	22

The Committee considers it desirable that the member elected by a District to the Legislative Council should be nominated by Government as a member of the District Board, if he is not already a member of the Board.

3. Qualifications and Disqualifications of Voters and Candidates.

(i) Qualifications for Voters.

(a) Rural Constituencies.

The following persons will be qualified to elect members for the Legislative Council :—

(*a*) Every person.—

(1) who is the registered occupant of land assessed to Land Revenue of not less than Rs. 50 per annum payable to Government or

(2) who is a kadim tenant paying an annual rent of not less than Rs. 50 per annum to the holder of an alienated village (the Jahgirs of Yelandur and Sringeri

excepted) to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(3) who pays annually mohatarfa tax or municipal tax of not less than Rs. 10 to a Municipal Council.

(*b*) Every person who is the owner of one or more entire inam villages with a total beriz of Rs. 250 per annum in the district;

(*c*) every graduate of a University who ordinarily resides in the Constituency;

(*d*) every person who is a retired and pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops;

(*e*) every person who pays income-tax to Government.

NOTE.—If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu Joint Family by the manager thereof or the member authorised by a majority of a family and in other cases by the member or partner authorised in that behalf by a majority of a family or the partnership concerned.

Explanation.—'Partnership' includes a Company, Firm, Association, Body of two or more guardians or trustees or the joint pattadars or other body possessing joint rights.

(*b*) *Urban Constituencies, Special Interests and Representative Assembly.*

(*Vide* section (2) *ante*—under heading 'Electors.')

(ii) QUALIFICATIONS FOR CANDIDATES AND MEMBERS.

(*A*) *Rural and Urban Constituencies.*

(*a*) Any person.—

(i) who holds lands, situated in the Constituency, for which he pays an annual assessment to Government of Rs. 100; or

(ii) who pays an assessment of not less than Rs. 100 to an Inamdar for lands so situated; or

(iii) who pays Mohatarfa or Municipal taxes within the said area, of not less than Rs. 15; or

(*b*) Any person who holds Inam lands situated in the Constituency, having a beriz of Rs. 250 or more; or

(*c*) A graduate of any Indian or English University of not less than ten years' standing, who has been resident in the district for at least three years previous to the election.

(*d*) Any person who pays an income-tax of Rs. 100.

(*B*) *Special Interests and Representative Assembly.*

Any one who is qualified to vote can stand for election.

N.B.—Members, whether elected or nominated, should possess in the opinion of Government a sufficient knowledge of the English language to be able to take part in the proceedings of the Legislative Council.

(iii) FURTHER QUALIFICATIONS OF RESIDENCE, DOMICILE AND CITIZENSHIP, COMMON TO BOTH VOTERS AND CANDIDATES IN ALL CONSTITUENCIES.

We propose.—

(i) that voters and candidates to the Legislative Council should be subjects of Mysore by birth or domicile.

(ii) that in addition, they should have resided in Mysore State (outside Civil and Military Station, Bangalore) for at least three years.

Provided that in the case of persons possessing the prescribed property qualifications within the jurisdiction of the Mysore State, residence in the Civil and Military Station, Bangalore, shall not disqualify for voting or for candidature.

Provided further that in the case of Mysoreans by birth or persons who have already acquired domicile by residence of not less than five years, residence in the Mysore State of six months prior to the date for the preparation of the Register shall be deemed sufficient.

Exception.—In the case of candidates and members for special interests, the Government may grant exemption in special cases.

(iv) DISQUALIFICATIONS FOR ALL CONSTITUENCIES.

(1) *Voters.*

No person can vote who is.—

(1) under 21 years of age;

(2) of unsound mind; or

(3) an undischarged insolvent or bankrupt; or

(4) sentenced by a Criminal Court to imprisonment for six months or more or convicted of an offence punishable with imprisonment for seven years or more; or

(5) a dismissed Government servant.

Provided that in (4) and (5) the disqualification will cease to operate after ten years from date of release unless the same is removed earlier by an order of Government.

(2) *Candidates and Members.*

No person is eligible for election as a candidate or member who.—

(*a*) is a female;

Provided that a woman may be nominated by Government to represent child and woman welfare;

(*b*) is under 25 years of age;

(*c*) is of unsound mind;

(*d*) is an undischarged insolvent or bankrupt;

(*e*) is sentenced by a Criminal Court to imprisonment for six months or more or convicted of an offence punishable with imprisonment for seven years or more; or

(*f*) is a dismissed Government servant;

Provided that in (*e*) and (*f*) the disqualification will cease to operate after ten years from date of release unless the same is removed earlier by an order of Government;

(*g*) is a Government servant other than a Shanbhog, Patel or other hereditary officer.

4. Election Rules, Corrupt Practices and Objection Petitions.

The rules already proposed (Annexure II) in the case of the Representative Assembly should apply *mutatis mutandis*, in the case of the Legislative Council, subject to the following conditions :—

(1) that objection petitions regarding elections should be filed by the aggrieved party before the District Judge.

(2) That the decision of the District Judge should be final.

(3) That statutory provision should be made for the above similar to that in the Municipal Regulation.

5. Interpellations and Resolutions.

(*Item 10 in the order of reference.*)

"The number of interpellations and resolutions that may be brought forward at a session will be substantially increased."—Announcement.

(i) *Interpellations.*—No member shall be allowed to send up more than two questions (or interpellations) for any session of the Council.

(ii) *Resolutions.*—The maximum number of resolutions which can be brought forward at each session should be fixed at 20.

The selection of the resolutions should be by ballot.

6. Voting on Budget, Re-appropriation and Supplementary Grants.

(*Item 12 in the order of reference.*)

"The Legislative Council will be given power of voting on the annual State Budget by major heads in respect of all items of expenditure, except those affecting the Palace, the Military, pensions of public servants and the relations of the State with the British Government under the Treaty. In any case, where the Council refuses its assent to a provision in the budget or reduces it, it will be competent to Government to restore the provision, if

they consider it necessary for the carrying on of any department."—ANNOUNCEMENT.

Procedure to be adopted is detailed in the rules of business (Annexure III). Some general principles on the points on which the opinion of the Committee was called for are, however, set down below:—

(i) *Discussion of the Budget.*

The Budget shall be dealt with by the Council in two stages, *viz.*,

(1) a general discussion; and

(2) the voting on demands for grants. The Council shall be at liberty to discuss the budget as a whole or any question of principle involved therein, during the general discussion. The President may disallow discussion likely to disclose confidential matter which might injuriously affect the commercial undertakings of the State.

(ii) *Voting on demands for grants.*

(i) The members of the Committee consider that in addition to the items excluded from the purview of the powers of voting of the Council, the following two items shall not be submitted to the vote of the Council:—

(*a*) Interest on Loans and Sinking Fund guaranteed at the time of borrowing.

(*b*) Expenditure of which the amount is prescribed by or under any law.

N.B.—In case of doubt as to whether any subject or any expenditure comes under the excluded heads, the decision of the Dewan will be final.

(ii) (*a*) All other items of expenditure will be votable, and will be presented in the form of demands for grants. Each demand shall contain, first a statement of the total grant proposed and then a statement of the detailed estimates under such grant divided into items.

(*b*) The major heads may for the purposes of voting be grouped under 28 demands as specified in Schedule B to this report. This classification may from time to time be revised by Government.

(*c*) In the course of the discussion for demands for grants, the President shall have discretion to admit new motions of demands for grants not contained in the budget.

(*d*) The President may disallow discussion likely to disclose confidential matter which might injuriously affect the commercial undertakings of the State.

(iii) The Council may assent, or may refuse to assent, to a demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed.

(iii) *Motions.*

(i) No motion for appropriation can be made except on the recommendation of the Government communicated to the Council.

(ii) Motions may be moved to omit or reduce any grant or any item in a grant but not to increase a grant or to alter the destination of a grant.

(iii) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.

(iv) *Powers of Government.*

(i) The Government shall have power in relation to any demand to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if they consider that the restoration of the grant is necessary for the carrying on of any department.

(ii) The Government shall have power in cases of emergency to authorise such expenditure as may be, in their opinion, necessary for the safety or tranquility of the State or any part thereof or for the carrying on of any department.

(iii) If the Government decide that any demand which has been omitted or reduced by the Council is essential to the carrying on of any department and act as if such demand has been assented to, or if the Government, in the case of emergency, authorise such expenditure as

in their opinion is necessary for the safety or tranquillity of the State or any part thereof or for the carrying on of any department, the Government shall, as soon as may be thereafter, cause to be laid on the table of the Council a statement showing the action so taken by Government, but no motion shall be made in regard to that action nor shall that statement be discussed.

(v) *Re-appropriation.*

After grants have been voted by the Legislative Council re-appropriation within any grant may be sanctioned by Government in the Finance Department or by any other authority authorised by them in this behalf.

(vi) *Supplementary or Additional Grants.*

(*a*) An estimate shall be presented to the Council for supplementary or additional grant when—

(i) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year.

(ii) A need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget of that year.

(*b*) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

(vii) *Excess Grants.*

When money has been spent on any service for which the vote of the Council is necessary during any financial year in excess of the amount of grant for that service and for that year, a demand for the excess shall be presented to the Council by the representative of the Finance Department and shall be dealt with in the same way by the Council as if it were a demand for a grant.

7. REVISION OF THE RULES OF BUSINESS OF THE LEGISLATIVE COUNCIL.—(*Vide* RULES OF BUSINESS, ANNEXURE III.)

III. Standing Committees.

CENTRAL DEVELOPMENT BOARDS, DISTRICT BOARDS AND THE PROCLAMATION.

(*Item 13 of the order of reference.*)

1. STANDING COMMITTEES.

1. It was resolved—

(*a*) that the following Standing Committees should be constituted to advise on the following Departments or groups of Departments.

(1) Medical, Sanitation and Public Health.
(2) Education.
(3) Local Self-Government.
(4) Railways, Industries and Commerce.

The Chairman and Messrs. S. Venkatesaiya and C. Srinivasa Rao think that there should also be a Committee on Finance and Taxation.

(*b*) That Government may at their discretion appoint additional Committees for other Departments or add other Departments to the above Committees.

(*c*) That the election of the panel by each House shall take place by ballot.

(*d*) That the number of members for each Standing Committee shall be six—three representing the Legislative Council and three the Representative Assembly.

(*e*) That the panel will consist of ten members from each House for each Committee.

2. In addition to these, there will be two other Committees.

(*a*) A Committee of the Legislative Council on Public accounts to deal with the Audit and Appropriation Reports; and

(*b*) A Standing Committee of the Representative Assembly.

The following points relating to the constitution of the Standing Committee of the Representative Assembly were settled:—

(*a*) That the Standing Committee shall consist of fifteen members with eight as quorum.

(*b*) That the above Committee shall be elected once a year.

(*c*) That persons desiring to stand as candidates for the Standing Committee shall intimate their intention to the Secretary to Government before a date to be fixed.

(*d*) That as soon as the Representative Assembly is constituted at every triennium, the Standing Committee of fifteen members shall be elected by ballot conducted by postal vote, subsequent elections taking place at one of the Sessions.

(*e*) That until the Standing Committee is constituted as above, the existing rules about the selection of subjects and interpellations at District meetings shall continue.

(*f*) That the Standing Committee will meet ordinarily at Bangalore, provided that while the Representative Assembly is in Session, the Committee may meet at Mysore.

(*g*) That the Committee will elect its own President and Secretary.

(*h*) That the meetings of the Standing Committee will be arranged for by the Officer of Government appointed for the purpose on the due dates fixed for the selection of subjects and interpellations and also at any other time as may be required by the President of the Committee.

2. The Economic Development Board and the Central Boards.

(*The later reference dated 11th November 1922.*)

Place of Economic Development Board in the Constitution.—We propose that a definite place should be assigned under the Constitution to the Economic Development Board and the Central Boards either by mention in the Proclamation as permanent institutions in the State

r by Statutory recognition. We also suggest that a connection may be established between the Central Boards on the one side and the Representative Assembly and the Legislative Council on the other, by making provision for Economic Development questions being referred to these Boards at the instance of the Representative Assembly and of the Legislative Council by means of resolutions requesting Government to refer such questions to them. (Messrs. Matthan and Krishna Rao dissenting.)

Revising the constitution of the Economic Development Board.—The Committee agreed to the following reconstitution of the three Central Boards :—

(i) *Board of Education.*

The Board will consist of a Chairman and a Secretary with the following nineteen members : --

(1) The Inspector-General of Education (*Ex-officio*).
(2) A representative of the Mysore University.
(3) A representative of the High School Teachers.
(4) A representative of the Missionary Schools.
(5) A representative of the Private Schools (aided and unaided).
(6) A woman representative of female education.
(7) A representative of Science teaching.
(8) A representative of Industrial and Technical Education.
(9) A representative of Physical Education (including Medical inspection and Hygiene).
(10) A representative of Mahomedan Education.
(11) A representative of Education of the Backward Classes.
(12) A representative of Depressed Classes.
(13) A representative of Primary Education.
(14) & (15) Two members to be elected by the Representative Assembly.
(16) & (17) Two members to be elected by the Legislative Council.
(18) & (19) Two nominees of the Government.

(ii) *Board of Agriculture.*

This Board will consist of the following members besides the Chairman and Secretary :-

(1) The Director of Agriculture.
(2) The Chief Engineer for Irrigation

(3) The Revenue Commissioner.
(4) The Superintendent of Animal Husbandry (Live-stock Expert)
(5) The Superintendent of Sericulture.
(6) The Superintendent of Government Gardens.
(7) The Registrar of Co-operative Societies.
(8) One Deputy Commissioner to be nominated by the Government.
(9) A representative of the Agricultural Union.
(10) Two representatives of the Planting interest. (One European
(11) and one Indian.)
(12) The Agricultural Chemist.
(13) The Conservator of Forests.
(14) to (17) Two representatives each from the Representative Assembly and from the Legislative Council.
(18) & (19) Two to be nominated by Government to represent Horticulture and Sericulture.
(20) to (22) Three members to be nominated by Government to represent agriculturists who are large growers of sugarcane, cotton and other important commercial crops.

(iii) *Board of Industries and Commerce.*

This Board will consist of the following members besides the Chairman and Secretary :—

(1) The Director of Industries and Commerce.
(2) The Conservator of Forests.
(3) The Director of Geology.
(4) The Chief Electrical Engineer.
(5) The Agent Mysore Railways.
(6) & (7) Two representatives from the Representative Assembly.
(8) & (9) Two representatives from the Legislative Council.
(10) One representative of the Mysore Chamber of Commerce.
(11) One representative of the Banking interests.
(12) One representative of the Mining and Factory labour.
(13) One representative of Chemistry and Technology in the University.
(14) to (17) Four to represent the principal industries like textiles, tanning, oils and sugar.
(18) One to represent Industrial and Commercial Education.
(19) & (20) Two to be nominated by Government to represent other commercial interests.

It was further resolved by the Committee that the Economic Development Board should consist of the three Central Boards constituted as above, with the Dewan as President, and the Chairmen of these Boards as Vice-Presidents. The Deputy Commissioners may be *ex-officio* members of the Development Board. The Board will meet at Mysore annually and also at such other places and times as may be fixed by the Dewan-President. The annual Session of the Economic Development Board will take the place of the Economic Conference.

3. District Boards.

(*Item 8 of the order of reference.*)

"Local subjects will not, as a rule, be allowed to be brought up before the Representative Assembly, but will be relegated to the District Boards whose functions will be enlarged."—Announcement.

Enlargement of the functions of the District Boards.—

The Committee agreed to the following propositions:—

(1) Section 12 of the Local Boards Regulation should be amended so as to admit of the consideration by the District Board of all local subjects even if they do not fall within its purview under the existing Regulation.

(2) The Standing Committee of the Representative Assembly will refer subjects of a local nature to the District Board.

(3) All the communications of the District Board to the Heads of Departments and to Government on local or other subjects dealt with by it the disposal of which does not fall within its powers should pass through the Deputy Commissioner of the District.

(4) Subject to such further examination as may be necessary of the existing provision of the Local Boards Regulation and of the rules thereunder, provision should be made for the exercise by the District Board of certain powers in the following three matters:—

(*a*) Provision should be specifically made in the Regulation authorising the President or any member deputed by the District Board to inspect institutions or

works under the control of Government Departments for which contributions are made by the District Board; and to take necessary steps for bringing defects to the notice of the Heads of Departments concerned, or of Government.

(*b*) Whenever there is a departmental Committee in respect of the administration of any institutions to which the District Board contributes, the District Board should be represented on such Committee.

(*c*) The District Board may also be represented in respect of other Committees which Government may consider necessary.

(5) In the case of Local subjects relating to Municipalities, Municipal Councils will consider and dispose of such subjects in the same manner as is laid down above for District Boards.

4. Provisions to be Incorporated in the Proclamation.

(*Item 14 in the order of reference.*)

The following may be incorporated in the Proclamation :—

A. Representative Assembly.

(*a*) Brief reference to be made to the establishment of the Assembly in 1881 by Maharaja Chamaraja Wodeyar and by Dewan Rangacharlu.

(*b*) The status and functions of the Assembly (as in the Dewan's announcement) and its constitution and composition (as in the Dewan's announcement).

(*c*) The strength of the Assembly as now fixed, with liberty to the Government to vary it from time to time.

(*d*) The provision made for representation in the Assembly of minorities and special interests.

(*e*) Widening the electorate for the Assembly by reducing the property qualification by fifty per cent.

(*f*) The exclusion of certain subjects from the purview of the Assembly.

(*g*) Provision for the making by Government of rules in matter of detail to give effect to the reforms.

B. Legislative Council.

(*a*) The main features about the Legislative Council as outlined in the Dewan's announcement.

(*b*) The composition of the Legislative Council with special reference to non-official majority.

(*c*) Curtailment of the excluded subjects.

(*d*) Voting on the budget.

(*e*) Provision in the Legislative Council Regulation for making regulations *regarding safety and tranquillity of the State* independently of the Council.

(*f*) Reference to the other extraordinary powers of His Highness the Maharaja.

C. General (*i.e.*, Applicable to both Bodies.)

(*a*) Removal of the sex disqualification for the voter's franchise.

(*b*) Appointment of Standing Committees.

(*c*) Guarantees for the protection of minorities.

D. Economic Development Board.

The placing of the Central Boards and the Economic Development Board on a statutory basis; and fixing their places in the constitution.

E. District Boards.

Enlarging the functions of District Boards in order to enable them to deal with Local subjects.

Schedule A.

LIST OF CONSTITUENCIES.

Name of Constituency	Extent of Constituency	Number of Members
	I. Rural Constituencies.	
1. Bangalore ..	Bangalore Taluk excluding the area comprised in the Bangalore City Municipality	3
2. Kolar ..	Kolar Taluk excluding Kolar Municipality	3
3. Tumkur ..	Tumkur Taluk excluding Tumkur Town Municipality	3
4. Mysore ..	Mysore Taluk excluding Mysore City Municipality	3
5. Hunsur ..	Hunsur Taluk	3
6. Seringapatam	Seringapatam Taluk excluding Seringapatam Town Municipality ..	3
7. Mandya ..	Mandya Taluk	3
8. Hassan ..	Hassan Taluk excluding Hassan Town Municipality	3
9. Manjarabad	Manjarabad Taluk	3
10. Channarayapatna.	Channarayapatna Taluk	3
11. Tirthahalli ..	Tirthahalli Taluk	3
12. Shimoga ..	Shimoga Taluk excluding Shimoga Town Municipality	3
13. Sagar ..	Sagar Taluk	3
14. Sorab ..	Sorab Taluk	3
15. Chikmagalur	Chikmagalur Taluk excluding Chikmagalur Town Municipality ..	3
16. Kadur ..	Kadur Taluk	3
17. Koppa ..	Koppa Taluk	3
18. Bowringpet	Bowringpet Taluk excluding Kolar Gold Fields Sanitary Board area and Bowringpet Municipal area ..	2
19 Kolar Gold Fields Sanitary Board area.	Kolar Gold Fields Sanitary Board area excluding Kolar Gold Fields Sanitary Board Municipal area ..	2

List of Constituencies—*contd.*

Name of Constituency	Extent of Constituency	Number of Members
20. Dodballapur	Dodballapur Taluk excluding Dodballapur Municipal area ..	2
21. Hoskote ..	Hoskote Taluk	2
22. Kankanhalli	Kankanhalli Taluk excluding Kankanhalli Town Municipality ..	2
23. Magadi ..	Magadi Taluk exclud ng Magadi Town Municipality	2
24. Mulbagal ..	Mulbagal Taluk excluding Mulbagal Municipal area	2
25. Srinivaspur	Srinivaspur Taluk	2
26. Goribidnur..	Goribidnur Taluk	2
27. Sidlaghatta	Sidlaghatta Taluk	2
28. Kunigal ..	Kunigal Taluk	2
29. Maddagiri ..	Maddagiri Taluk excluding Maddagiri Town Municipality	2
30. Sira ..	Sira Taluk excluding Sira Town Municipality	2
31. Gubbi ..	Gubbi Taluk excluding Gubbi Town Municipality.	2
32. Tiptur ..	Tiptur Taluk	2
33. Yedatore ..	Yedatore Taluk ..	2
34. Chamrajnagar.	Chamrajanagar Taluk exclud ng Chamrajnagar Town Municipality ..	2
35. Nanjangud..	Nanjangud Taluk excluding Nanjangud Town Municipality	2
36. Belur ..	Belur Taluk	2
37. Arsikere .	Arsikere Taluk .. .	2
38. Shikarpur ..	Shikarpur Taluk	2
39. Channagiri ..	Channagiri Taluk	2
40 Mudgere ..	Mudgere Taluk	2
41. Tarikere ..	Tarikere Taluk excluding Tarikere Town Municipality	2 2
42. Hiriyur ..	Hiriyur Taluk	2
43 Davangere ..	Davangere Taluk excluding Davangere Town Municipality	2
44. Challakere ..	Challakere Taluk	2
45. Chitaldrug .	Chitaldrug Taluk excluding Chitaldrug Town Municipality .. .	2
46. Nelamangala	Nelamangala Taluk	2
47. Devanhalli ..	Devanhalli Taluk excluding Devanhalli Town Municipality.	2
48. Anekal ..	Anekal Taluk excluding Anekal Town Municipality	2

List of Constituencies—*contd.*

Name of Constituency	Extent of Constituency	Number of Members
49. Channapatna	Channapatna Taluk excluding Channapatna Town Municipality ..	2
50. Chintamani	Chintamani Taluk excluding Chintamani Town Municipality ..	2
51. Malur ..	Malur Taluk	2
52. Chikballapur	Chikballapur Taluk excluding Chikballapur Town Municipality ..	2
53 Bagepalli ..	Bagepalli Taluk	2
54. Pavagada ..	Pavagada Taluk	2
55. Chiknayakanhalli.	Chiknayakanhalli Taluk excluding Chiknayakanhalli Town Municipality	2
56. Heggaddevankote.	Heggaddevankote Taluk ..	2
57. Malvalli ..	Malvalli Taluk excluding Malvalli Town Municipality	2
58. Nagamangala	Nagamangala Taluk	2
59. Krishnarajpete.	Krishnarajpete Taluk ..	2
60. Gundlupet .	Gundlupet Taluk	2
61. T.-Narsipur	T.-NarsipurTaluk	2
62. Arkalgud ..	ArkalgudTaluk	2
63. Hole-Narsipur	Hole-Narsipur Taluk excluding Hole-Narsipur Town Municipality ..	2
64. Honnali ..	Honnali Taluk	2
65. Nagar ..	Nagar Taluk	2
66. Holalkere ..	Holalkere Taluk	2
67. Hosdurga ..	Hosdurga Taluk	2
68. Jagalur ..	Jagalur Taluk	2
69. Molakalmuru	Molakalmuru Taluk	2
70. Closepet ..	Closepet Sub-Taluk excluding Closepet Town Municipality	1
71. Gudibanda ..	Gudibanda Sub-Taluk	1
72. Alur ..	Alur Sub-Taluk	1
73. Kortagere ..	Kortagere Sub-Taluk	1
74. Turuvekere..	Turuvekere Sub-Taluk	1
75. Narasimharajapura.	Narasimharajapura Sub-Taluk ..	1
76. Kumsi ..	Kumsi Sub-Taluk	1
77. Harihar ..	Harihar Sub-Taluk excluding Harihar Town Municipality	1
	Total ..	163

List of Constituencies.—*contd.*

Name of Constituency	Extent of Constituency	Number of Members
	II. URBAN CONSTITUENCIES	
1. Bangalore City.	Bangalore City Municipal area ..	4
2. Mysore City	Mysore City do ..	4
3. Davangere .	Davangere Town Municipal area ..	1
4. Shimoga ..	Shimoga do ..	1
5. Tumkur ..	Tumkur do ..	1
6. Kolar ..	Kolar do ..	1
7. Channapatna	Channapatna do ..	1
8. Chikballapur	Chikballapur do ..	1
9. Chikmagalur	Chikmagalur do ..	1
10. Chitaldrug ..	Chitaldrug do ..	1
11. Hassan ..	Hassan do ..	1
12. Tarikere ..	Tarikere do ..	1
13. Dodballapur	Dodballapur do ..	1
14. Nanjangud ..	Nanjangud do ..	1
15. Malvalli ..	Malvalli do ..	1
16. Seringapatam	Seringapatam do ..	1
17. Chamrajnagar.	Chamrajanagar do ..	1
18. Hole-Narsipur.	Hole-Narsipur do ..	1
19. Chiknayakanhalli.	Chiknayakanhalli do ..	1
20. Anekal ..	Anekal do ..	1
21. Chintamani	Chintamani do ..	1
22. Harihar ..	Harihar do ..	1
23. Bowringpet ..	Bowringpet do ..	1
24. Kankanhalli	Kankanhalli do ..	1
25. Mulbagal ..	Mulbagal do ..	1
26. Sira ..	Sira do ..	1
27. Closepet ..	Closepet do ..	1
28. Devanhalli ..	Devanhalli do ..	1
29. Gubbi ..	Gubbi do ..	1
30. Maddagiri ..	Maddagiri do ..	1
31. Magadi ..	Magadi do ..	1
	Total ..	37

List of Constituencies—*concld.*

Name of Constituency	Class of Constituency	Electors	Number of Members
III. Special Interests. (*Non-Territorial Constituencies.*)			
Mysore University ..	University	All Fellows and Registered Graduates of the Mysore University ..	2
Legal Interests ..	Legal ..	All the enrolled Advocates of the Chief Court ..	1
North Mysore and Bababudan European Planters' Association	Planting ..	Members of the Association ..	1
South Mysore European Planters' Association.	Do ..	Do ..	1
North Mysore Native Planters' Association.	Do ..	Do ..	1
South Mysore Native Planters' Association.	Do ..	Do ..	1
Kolar Gold Fields Mining Board ..	Gold Mining	Members of the Board ..	1
Mysore Chamber of Commerce ..	Trade and Commerce.	Members of the Chamber ..	1
Merchants and Bankers	Do ..	All merchants and Bankers paying an Income-tax of not less than Rs. 100..	1
Mysore Inamdars ..	Inamdars..	Members of the Inamdars' Association for the present (Future to be settled).	1
Mining labour, excluding Gold Mining ..	Labour and Industries.	? ..	1
Factory labour ..	Do ..	? ..	1
Industries ..	Do ..	? ..	2
		Total ..	15

? To be nominated by Government for the present.

Schedule B.

DEMANDS FOR GRANTS.

No.	Heads of Account
	A.—Expenditure charged to Revenue.
1	1. Land Revenue.
2	2. Forest.
3	3. Excise.
4	3a Income tax.
	4. Stamps.
	5. Registration.
5	8. Sinking Fund } Votable items.
	9. Interest }
	13. Muzrai.
	15. Pensions and allowances (votable items).
6	12. General Administration.
7	14. Scientific and Miscellaneous Departments.
	(7)* Supervision of Mines.
8	16. Stationery and Printing.
	17. Miscellaneous.
	33. Miscellaneous Railway expenditure.
	36. Miscellaneous Electrical expenditure.
9	18. Courts of Law.
	19. Jails.
10	20. Police.
11	21. Medical.
	22. Sanitation.
12	23. Irrigation Works Charged to Revenue.
13	24. Civil Works.
14	25. Economic Conference.
	28. Industries and Commerce.
	29. Co-operative Societies.
15	27. Agriculture.
16	26. Education.
17	30. Grants for Public Improvements.
18	XXIV. Railways.
	2. Working expenses.
	3. Surplus profits.
	4. Guaranteed interests.

Demands for Grants—*concld.*

No.	Heads of Account
19	XXV. Krishnarajasagara Works.
	2. Working expenses.
	XXVI Electrical Works—Cauvery Power Scheme.
	2. Working expenses—Depreciation charges and Telephone charges.
20	XXVII Sandal Oil Factory.
	2. Working expenses.
	3. Depreciation.
	4. Interest on Capital
	5. Loss on sale of Old Stock.
21	XXVIII. Kolar Gold Fields Water Works.
	2. Working expenses.
	3. Depreciation.
22	XXIX. Industrial Works.—Working expenses, Depreciation, etc.
23	Reserve at the disposal of the Finance Department.
	B.—Capital Outlay not charged to Revenue.
24	37. Railways and Tramways.
25	38. Krishnarajasagara Works.
	39. Electrical Works.
26	41. Bhadravati Iron Works.
27	40. All other works, Industrial or otherwise.
	C.—Disbursements of Loans and Advances.
28	Advances.
	Loans.

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Annexures.

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ANNEXURE I.

Rules of Business and Procedure as Passed by the Committee.

(Representative Assembly.)

Abstract Table of Contents.

PART		RULES
I.	Preliminary	1
II.	Meeting	2-7
III.	Order of business	8-12
IV.	Interpellations	13-21
V.	Motions	22-23
VI.	Discussion of Legislative measures referred by Government	24-33
VII.	Resolutions on matters relating to the Public Administration	34-47
VIII.	Budget and Taxation	48-61
IX.	Representations	62-69
X.	Miscellaneous	70-71

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Rules of Business and Procedure.

(Representative Assembly.)

PART I—Preliminary.

1. *Definitions.*—
"Assembly" means the Mysore Representative Assembly.
"Budget" means the statement of the estimated annual revenue and expenditure of the Mysore State.
"Council" means the Legislative Council of Mysore.
"Gazette" means the *Mysore Gazette.*

PART II—Meeting.

2. *Frequency of the Sessions.*—There shall be two meetings of the Assembly to be convened by the Government every year. The first meeting shall be convened in connection with the Dasara festival and another shall be convened in sufficient time to enable the due consideration of the Budget. Provided that besides the "Dasara Session" and the "Budget Session" as the above two Sessions may be called, it shall be competent for the Government to convene one or more special Sessions of the Assembly as the state of public business may require.

3. *Notice of Meetings.*—The Government shall cause a notification of the date, time and place of meeting of every Session to be notified in the Gazette and shall cause to be sent to each member a summons to attend the meeting at least two weeks before the day fixed for the Dasara and Budget Sessions and ten days in the case of any other Session.

4. *Quorum.*—The presence of at least seventy members shall be necessary to constitute a meeting of the Assembly for the exercise of its powers, provided that the

proceedings shall not be invalidated by want of a quorum unless attention is drawn to it at the time.

5. *Preservation of Order.*—(*a*) The President shall preserve order and have all powers usual and necessary for the purpose of enforcing his decision on all points of order.

(*b*) Any member may draw the attention of the President to a violation of order and while he is doing so all other members, shall remain silent.

(*c*) The President may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's sittings.

(*d*) All speeches and observations shall be addressed to the President.

6. *Language of the Assembly.*—The Language of discussion in the Assembly shall ordinarily be Kannada ; but members may also speak in English or Hindustani, or, with the permission of the President, in any other recognised vernacular of the State.

7. *Visitors.*—Visitors shall be admitted to the place of meeting of the Assembly on the production of tickets to be issued as may be directed by the President ; but they shall not be allowed to sit in the places reserved for members. The President may direct a visitor to withdraw for interruption of the proceedings or indecorous behaviour. The President may also, at his discretion, direct the withdrawal of all visitors.

PART III—Order of Business.

8. *Business.*—The arrangement of business shall be as follows :—

(i) *At the Dasara Session.*

	Days
(*a*) The address of the Dewan-President, Interpellations and Balloting for precedence of resolutions	1
(*b*) Government business.	2
(*c*) Discussion of Representations ..	4
(*d*) Resolutions	3

(ii) *At the Budget Session.*

(*a*) Opening speech of the President and presentation of the Budget; Interpellations; Balloting for Resolutions. Days.

(*b*)	Government business	1
(*c*)	Budget discussion	1
	(i) Resolutions on the Budget ..	2
	(ii) General debate on the Budget ..	2
(*d*)	Representations	2
(*e*)	Other Resolutions	1

NOTE.—The present informal procedure under which the Financial Secretary and the Comptroller meet such members as require information will continue.

(iii) *At a Special Session.*

The arrangement of business at a special session shall be as the President may direct.

(iv) *Proviso.*

Provided that the Government may re-arrange the business of any Session but so as not to reduce the time allotted for private members' business, except with the assent of the House.

9. *Time Limit of Speeches, etc.*—(*a*) The mover of a resolution shall be allowed thirty minutes and the same time shall be allowed to the speaker replying on behalf of Government; and all other speeches shall be limited to fifteen minutes.

(*b*) The discussion of representations shall ordinarily be limited to fifteen minutes each.

(*c*) The President may extend the time limit of a speech or the time allowed for the discussion of a representation.

10. *Discussion of Representations.*—The discussion of representations shall take place in such order as is prescribed hereafter.

11. *Maximum duration of Sessions.*—The maximum duration of the Sessions shall not exceed the period of fifteen sitting days in the Dasara Session, ten sitting days in the Budget Session, or five sitting days for a special Session.

12. *Undisposed of Resolutions and Representations.*—Resolutions and representations not disposed of will lapse.

PART IV—INTERPELLATIONS.

13. *Selection of Interpellations.*—For selecting the interpellations and subjects to be brought up at each session of the Representative Assembly, there shall be a Standing Committee consisting of fifteen members elected by the Assembly. Until the Standing Committee is constituted, the existing rules about the selection of subjects and interpellations at district meetings shall continue.

14. *Notice.*—A member who wishes to ask a question shall give at least two months' notice of his intention to Government and shall together with the notice submit a copy of the question he wishes to ask. Provided that the President may allow a question to be put at shorter notice.

15. *Form.*—In order that a question may be admissible, it must satisfy the following conditions, namely,

(i) If it contains a statement of fact, the member must make himself responsible for the accuracy of the statement.

(ii) Questions must be so framed as to be merely request for information and must not be in argumentative or hypothetical form or defamatory of any person or section of the community; and each question must deal with a single subject though it may be divided into convenient subordinate questions.

(iii) It must not be asked as to the character or conduct of any person except in his official or public capacity.

16. *Disallowing Interpellations.*—The President may disallow any interpellation, as not satisfying the conditions hereinbefore laid down or as not being in the public interest, before sending the interpellations to the Standing Committee.

17. *Disposal.*—Questions shall be put and answers given in such manner as the President may in his discretion determine.

18. *Supplementary Questions.*—The President may in his discretion, permit any member to put a supplementary

question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

19. *No Debate on Questions.*—No discussion shall be permitted in respect of any question or of any answer given to a question.

20. *Number and Selection of Interpellations.*—The number of interpellations to be brought up at the Dasara and Budget Sessions shall not exceed fifty each; and the Standing Committee who will make the selection of interpellations up to the above limit shall forward the selected list of interpellations to Government not less than one month before the opening of the Session.

21. *Number of Notices by Each Member.*—Every member shall have the right to give notice of not more than two interpellations.

PART V—MOTIONS.

22. *Adjournment.*—A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

(i) It should be supported by not less than seventy members present.

(ii) The Dewan should give his consent to the motion being made.

(iii) Not more than one such motion shall be made at the same sitting.

(iv) Not more than one matter can be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence.

(v) The motion should not relate to a matter not within the competency of the Assembly to discuss.

(vi) The motion must not revive discussion on a matter which has been discussed in the same session.

(vii) The motion must not anticipate a matter, which has been appointed for consideration ; or with reference to which a notice of motion has been previously given.

(viii) Leave for making the motion should be asked for at the commencement of the day's proceedings. The

member must before the commencement of the sitting of the day leave with the Secretary a written statement of the matter proposed to be discussed.

(ix) If the motion is accepted, the President will fix the time for the discussion of the subject.

23. *Closure.*—When any motion is under discussion, any member may move "that the question be now put" provided he does not interrupt a speaker. Unless it appears to the President that the request is an abuse of the rules of the Assembly or an infringement of the rights of reasonable debate, the motion "that the question be now put" shall be put forthwith. There shall be no debate on such motion. If such motion be carried, the question shall be put accordingly.

PART VI.—Discussion of Legislative Measures Referred by Government.

24. The Representative Assembly should ordinarily be consulted about every important legislative measure before the first reading of the Bill in the Legislative Council.

25. *Motion to Consider Legislative Measures.*—All legislative measures about which the Assembly is to be consulted shall be placed before the Assembly with a statement embodying the general principles of such measures.

26. *Notice.*—A copy of such statement shall be sent to every member at least ten clear days before the date on which it is proposed to be taken up for discussion in the Assembly.

27. *Discussion.*—The discussion will be confined to the general principles of the Bills.

28. *Opinion of the Assembly.*—The opinion of the Assembly in respect of the general principles of any measure placed before it, shall be ascertained by taking votes.

29. *Amendment.*—Any member may propose an amendment to the general principles of any measure, *but not to particular clauses in the Bill.* The President may thereupon, at his discretion, obtain the opinion of the Assembly by taking votes.

30. *Consultation Obligatory.*—In respect of every important measure of legislation introduced in, and passed by, the Legislative Council, which is not urgent, and which has not been included in the Legislative programme presented to the Assembly, the Representative Assembly should be consulted before the Bill is submitted to His Highness the Maharaja.

31. *Discretion of Government.*—After consulting the Assembly, it may be left open to Government to adopt such course as they may consider proper according to the circumstances of the case, *i.e.*, whether to submit the Bill as passed by the Council to His Highness with the opinion of the Assembly, or to place the opinion of the Assembly before the Legislative Council for further consideration of the Bill making such amendments therein as it may consider necessary in the light of the discussions at the Representative Assembly before the measure is submitted to His Highness, or to drop the original Bill and to place a new or amended Bill before the Council, or to adopt any other course that they may consider proper.

32. *Bills by non-official Members.*—In the case of Bills brought forward by non-official members, which have received the sanction of the Dewan, the general principles as sent in by the member shall be placed before the Representative Assembly at its next session, before the Bill is introduced in the Legislative Council.

33. *Communication to the Legislative Council.*—When the general principles of a Bill have been discussed in the Representative Assembly, the opinion of the Assembly will be placed before the Legislative Council.

PART VII.—Resolutions on matters relating to Public Administration.

34. *Form.*—(i) Every resolution shall be in the form of a specific recommendation addressed to the Government

(ii) It shall be clearly and precisely expressed and shall raise a definite issue.

(iii) It shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it

refer to the conduct and character of any person except in his official capacity.

35. *Admissibility.*—The President shall decide whether a resolution is inadmissible as relating to a subject not within the competence of the Assembly.

36. *Disallowance.*—The President may also disallow any resolution, or any part of a resolution, on the ground that it cannot be moved without detriment to the public interests.

37. *Time of disallowance* —The President shall exercise his powers of disallowance under Rules 35 and 36 before the day fixed for the ballot for determining the precedence among them.

38. *Number of resolutions or limit.*—The number of resolutions to be brought forward will be limited to 25 at the Dasara Session and to ten (being other than resolutions on the budget) at the Budget Session. Resolutions not disposed of at any session will lapse.

39. *Ballot for precedence.*—The order in which the resolutions shall be moved shall be determined by ballot.

40. *The announcement of the result of the ballot.*—The result of the ballot will be announced at least two days before the resolutions are taken up.

41. *Notice.*—A member intending to move a resolution shall give at least three weeks' notice before the commencement of the session and shall send together with such notice a copy of the resolution he intends to move.

42. *Amendments and notice thereof.*—Notice of amendments to be moved to the Resolutions shall be given within two days after the ballot under Rule 39.

43. *Copies.*—Copies of Resolutions of which notices have been given shall be supplied to the members at least a week before the date fixed for the meeting.

44. *Order of amendments.*—Amendments shall be taken into consideration in such order as the President may determine.

45. *Withdrawal.*—Resolutions which have been moved and amendments thereto which have been moved shall only be withdrawn with the leave of the House. No

discussion will be permitted on a motion for leave to withdraw except with the permission of the President.

46. *Submission to Government.*—Copies of all Resolutions passed by the Assembly shall be submitted to Government.

47. *Effect of Resolutions.*—Any resolution, if carried, shall have effect only as a recommendation to Government.

PART VIII.—Budget and Taxation.

48. *Time for supplying copies to members.*—A copy of the budget shall be despatched to each member not less than twelve days before the date fixed for the opening of the Budget Session. The Budget shall be presented to the Assembly on such day as the Government may appoint.

49. *Existing practice to continue of members meeting the Financial Secretary and Comptroller.*—The present practice of such members as require information meeting the Financial Secretary and the Comptroller, will continue.

50. *Budget Session.*—The budget will be discussed by the Assembly at the Budget Session, in two stages :—

(i) the moving of resolutions ; and
(ii) a general discussion.

The Assembly shall be at liberty to discuss the budget as a whole or any question of principle involved therein.

51. *Resolutions.*—(*a*) A resolution should comply with the following conditions:—

(i) It shall be in the form of a specific recommendation addressed to the Government.

(ii) It shall be clearly and precisely expressed and shall raise a definite issue.

(iii) It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of any person except in his official capacity.

(iv) It shall be directly relevant to some entry in the budget.

(v) If it contains a recommendation which would have the effect of increasing expenditure chargeable to revenue or not chargeable to revenue, it shall also contain

a specific recommendation for a corresponding reduction in expenditure or increase in revenue or receipt as entered in the budget.

52. *Excluded subjects.*—For budget resolutions by the Representative Assembly, the excluded subjects will be the same as those for the voting of grants by the Legislative Council. If any question arises whether any resolution relates to the excluded items, the decision of the Dewan on the question shall be final.

53. *Disallowance by Government.*—The Government may disallow any resolution which does not comply with the conditions laid down in Rule (51) above or which or any part of which, cannot, in their opinion, be moved consistently with the public interests, and the ruling of the Dewan is final.

54. *Notice of Resolutions.*—Notice of Resolutions on the budget shall be given so as to reach the Financial Secretary to Government three days before the date fixed for the opening of the Session.

55. *Ballot for precedence*—The precedence of Resolutions on the budget shall be determined by ballot the day after copies of the Resolutions are circulated to the members.

56. *Time limit.*—In the general debate on the budget under the above rule no member shall speak for more than fifteen minutes. Provided that the President may at his discretion extend the time.

57. *Effect of resolution.*—Any resolution, if carried, shall have effect only as a recommendation to the Government.

58. *Communication to Legislative Council.*—The resolutions of the Representative Assembly on the budget shall be communicated to the members of the Legislative Council for their information.

59. *New taxes.*—Proposals for the levy of new taxes shall be laid before the Assembly for discussion and the opinion of the Assembly shall be ascertained by taking votes, and any modification which may be suggested inthe course of the discussion may at the discretion of the President be also put to the vote.

60. *Consultation before legislation.*—In case of new taxation involving legislation, the Representative Assembly should be consulted before legislation is introduced into the Legislative Council.

61. *Definition of new taxes.*—By new taxes are meant taxes which require for their imposition the passing of a fresh Regulation, or the amendment of an existing Regulation.

PART IX—Representations.

62. *Form.*—Representations which are intended to be brought before the Assembly shall state clearly the subject matter and nature of the representation.

63. *Call for Representations.*—Copies of such representations shall be sent to Government within a fortnight of a notice which will be published in the Gazette three months before the commencement of the session; and a copy of such notice shall be sent to every member.

64. *Number.*—No member shall send more than five representations for any one session.

65. *Selection.*—The Government will after the necessary scrutiny disallow such representations as are inadmissible owing to their exclusion from the purview of the Assembly or on the ground that they cannot be moved without detriment to the public interest or for other valid reasons; and the remaining representations will be referred to the Standing Committee appointed for the purpose. This Committee will select for discussion such of the representations to the number allowed for the session as may appear to it to be more urgent or important.

66. *Number of Representations.*—The maximum number of subjects (representations) which may be brought forward at the Dasara Session may be fixed at 150; and at the Budget Session at 50. Subjects not disposed of at any session will lapse.

67. *Additional Representations.*—The President may, at his discretion, admit in addition to the number above fixed, any other representations on behalf of special interests, minorities or others,

68. *Order of discussion.*—The order in which the representations will be taken up will be fixed by the Standing Committee in respect of the subjects selected by it and by the Government in respect of the subjects admitted by them.

69. *Local subjects.*—Subjects of a *local* nature will be referred by the Standing Committee to the District Board.

PART X.—Miscellaneous.

70. *Standing Orders.*—All matters of detail relating to business and procedure not provided for in these rules shall be governed by *Standing Orders.*

71. *The framing of Standing Orders.*—Such Standing Orders shall be framed by the Standing Committee (referred to in Rule 13) and shall be subject to the sanction of Government.

ANNEXURE II.

Rules regarding the conduct of elections, Corrupt Practices and the Disposal of Objection Petitions as passed by the Committee.

(Representative Assembly.)

Abstract Table of Contents

PART		RULES
I.	Electoral Rolls	1 to 3
II.	Conduct of Elections	4 to 17
III.	Application of the above rules to Urban Constituencies	18 to 19
IV.	Election of members by Associations representing Minorities and Special Interests.	20 & 21
V.	Corrupt Practices	22 & 23
VI.	Objection Petitions	24 to 26
VII.	Miscellaneous	27 to 30

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Rules of Election.

(*Representative Assembly*)

PART I.—Electoral Rolls.

1. *Publication of the lists of voters and candidates eligible for election.*—A list of persons qualified to vote and of persons qualified to stand as candidates at elections to the Representative Assembly shall be published by the Deputy Commissioner in English and Kannada in the *Mysore Gazette* within a period to be specified by Government.

2. *Objections to the lists.*—(*a*) Objections on the ground that any person whose name is included in the list does not possess the qualifications prescribed by the rules or that the name of any person duly qualified has been omitted therefrom shall be filed within one month from the date of publication of the list before the Sub-Divisional Officer or Amildar who after hearing the parties concerned shall dispose of the objections within a fortnight.

(*b*) An appeal shall lie to the Deputy Commissioner within a fortnight from the date of communication of such order; and the decision of the Deputy Commissioner thereon shall be final.

(*c*) Additions to and omissions from the lists consequent on the decision of the *local officers* on objections and appeals filed before *them* shall be notified in the *Mysore Gazette* at least six weeks before the date of elections, and the full list as finally revised shall be made available for sale *to the public.*

3. *Only persons included in the lists to vote.*—Only those persons shall be entitled to vote or stand for election whose names appear in the lists so revised and published.

PART II.—Conduct of Elections.

4. *Candidates for election to notify their names.*—Such of the eligible persons as wish to stand for election in

the taluks or sub-taluks concerned shall furnish their names in writing to the Amildar or Deputy Amildar at least one month before the election.

5. *Posting of Lists.*—The said officer shall, if he is satisfied that the names of the said persons are included in the list of persons eligible to stand for election, prepare a list of candidates which shall be posted up under his signature in the Taluk Office. A copy of the list shall also be published in the *Mysore Gazette.*

6. *Conduct of Elections.*—The polling shall take place at such centres as may be notified by the Deputy Commissioner and it shall be conducted by an Amildar or Deputy Amildar or such other person as may be nominated by the Deputy Commissioner in this behalf.

7. *Number of Votes.*—Every voter may vote for as many candidates as there are members to be elected for a taluk or sub-taluk. A vote for any person whose name is not included in the list of candidates published under Rule 5 shall not be counted.

8. *Voting to be in person.*—Voters must vote in person.

9. *Voting to be by ballot.*—The vote shall be given by ballot.

10. *Procedure in voting.*—(*a*) The elector shall proceed to a place screened from observation which shall be provided by the polling officer and there mark his vote on the voting paper in accordance with the instructions contained therein.

(*b*) The instructions which will be in Kannada should be cleary explained to any elector requiring such explanation.

(*c*) If an elector is unable to read or write or is, by reason of blindness or other physical defect, incapacitated from recording his vote as required by rule, the polling officer may assist him, if so desired, in marking the vote on the voting paper and a record of the same shall be made on the voting paper and attested by the polling officer.

(*d*) The voting paper should be folded and closed and put into the voting box by the voter himself.

(*e*) Any vote which is not recorded in accordance with the foregoing instructions shall be declared invalid.

11. *Ballot box.*—The ballot box shall be so constructed that the ballot paper can be introduced but not extracted without the box being unlocked, and it shall be securely sealed by the polling officer with his seal.

12. *Identity of voters.*—The polling officer shall satisfy himself as to the identity of the persons tendering votes and may refuse the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. He is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the voting table and that persons who have recorded their votes leave the place immediately.

13. *Custody of the box.*—After the close of the poll, the polling officer shall forthwith have the voting papers scrutinised and the votes counted and announce the results, provided that where this is not practicable or the ballot box has to be sent to taluk headquarters for counting, the polling officer shall have the box sealed with his own seal as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody until such time as the box is despatched to the telling officer at taluk headquarters.

14. *Determination of the results of election.*—(i) The box aforesaid shall be opened in a place to which candidates or their agents shall have access.

(ii) The votes shall be scrutinized and those that are valid counted by such persons as the polling officer appoints in this behalf.

15. *Declaring the Results of Election.*—(*a*) If the number of candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(*b*) If the number of candidates is less than the number of vacancies, all such candidates shall be declared to be elected; and the Deputy Commissioner shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancies or vacancy and have the election conducted in accordance with the rules.

(*c*) If there is an equal number of votes in favour of each of two or more candidates for one membership and the addition of one vote will entitle any of the candidates

to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the polling officer and in such manner as he may determine.

16. *Gazetting the Results of Election.*—The results of every election shall be certified by the polling officer to the Deputy Commissioner who shall report the same to Government for being notified in the *Mysore Gazette.*

17. *Commencement and Termination of Membership.*—The membership of persons elected to the Representative Assembly for any triennium will be considered to commence on the dates of notifications announcing the elections and to cease from the dates of the notifications publishing the names of gentlemen elected to the succeeding triennium for the corresponding constituencies.

PART III.—Application of the above Rules to Urban Constituencies.

18. The above rules relating to the preparation of electoral rolls and the conduct of elctions in rural constituencies shall apply to urban constituencies with the following modifications :—

The Registering Officer for an urban constituency will be the President of the Municipality who will be competent to hear and dispose of objections. Apppeals against his orders shall lie to the Deputy Commissioner of the District, except in the case of Bangalore and Mysore City Municipalities in respect of which appeals shall lie to Government. In the Kolar Gold Fields Sanitary Board area, the Vice-President of the Sanitary Board will be the Registering Officer and appeals against his order will lie to the President.

19. In the case of urban constituencies returning members direct to the Representative Assembly, the Presidents will be the returning officers and will appoint the polling officers.

PART IV.—RULES REGARDING THE ELECTION OF MEMBERS BY ASSOCIATIONS REPRESENTING MINORITIES AND SPECIAL INTERESTS.

20. (*a*) The Government will appoint a returning officer for the conduct of elections for each Association or group of Associations. The returning officer shall receive the nominations of candidates and cause notices of the day of polling and the lists of candidates to be sent to all members. On the day of polling he shall attend or send a polling officer to attend at the Association premises and at the appointed time and receive all votes of members who attend for the purpose. He shall also receive all votes sent by members by post on or before that day. The returning officer shall then scrutinise the votes, declare the result of the election and report the result to Government. In cases where there are more polling places than one or where the returning officer does not attend at the polling station, the returning officer shall collect all the ballots, scrutinise the votes and declare the result. The Association may appoint some of its members to attend at the scrutiny and the candidates shall also be entitled to be present.

(*b*) The date of polling shall be notified in the *Mysore Gazette* and shall also be intimated to the Association.

21. *Rule for election when there is only one candidate for election by the Association.*—In cases where there is only one candidate, the minimum number of votes required for the return of the candidate will be fixed at twenty-five per cent of the number of members of the Association or fifty members whichever is less.

PART V.—CORRUPT PRACTICES.

22. *Election Invalid in Case of Corrupt Practice.*—No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected or at his instance.

23. *What is Deemed a Corrupt Practice.*—A person shall be deemed to commit a corrupt practice within the meaning of these rules:—

(i) Who with a view to induce any voter to give or to refrain from giving a vote in favour of any candidate offers or gives any money or valuable consideration or holds out any promise of individual profit or holds out any threat or injury to any person.

(ii) Who himself or through his agent or at his expense feeds or entertains his voters shortly before or after the poll, or pays the expenses of travel or hired conveyance, in order to induce them to give votes in his favour ; or

(iii) Who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Explanation.—A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election. A "promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested.

PART VI.—Objection Petitions.

24. *Petition against election of any candidate by whom to be made and to whom and when to be submitted.*—(*a*) Every petition against the return of any candidate at an election for the Assembly on the ground of corrupt practice or on the ground of any material irregularity shall be made in writing signed by any person who was a candidate at the election or by not less than twenty five voters ; and the petition shall be presented to the Government within one week after the day on which the result of election was declared.

(*b*) The petition shall specify the acts which the objector or objectors allege as amounting to corrupt practice or material irregularity and affecting the result of the election and which he or they are prepared to substantiate; and shall on presentation be supported by a statement

made on oath by each objector. Provided that on sufficient cause being shown the limit of one week prescribed by this rule may be extended by the Government.

25. *Security for costs, etc.*—Every objection petition shall be accompanied by a deposit of Rs. 100 (one hundred) as security for all costs, charges and expenses which may become payable by the applicant.

26. *Disposal of petitions regarding elections.*—(*a*) The Government will refer every such petition to the Deputy Commissioner of the District for disposal. The Deputy Commissioner shall hold a summary (Judicial) enquiry as defined in the Land Revenue Code and in the manner laid down below and report the decision in each case for the information of Government.

(*b*) The petition shall be posted for hearing and notice thereof shall be given to the candidate whose election has been objected to. The Deputy Commissioner after receiving the explanation of the latter shall hold an enquiry into the allegations and record a finding thereon. If he finds that persons not included in the list of voters have been allowed to vote, he will himself modify the elections by excluding the votes of persons not authorised to vote and declare the candidate properly elected. If he finds that a candidate is guilty of corrupt practices, he shall order such elections to be invalid and declare the man who has secured the next highest number of votes as the candidate duly elected. An appeal shall lie to Government against the decision of the Deputy Commissioner ; and the order of Government will be final.

(*c*) Where the enquiry does not clearly establish the objections alleged, but the Deputy Commissioner doubts the validity of elections, the records together with his opinion will be submitted for orders of Government.

(*d*) After the cases are thus finally disposed of, the results of election will be published by the Deputy Commissioner in the *Mysore Gazette*.

PART VII.—Miscellaneous.

27. *Bye-elections.*—(*a*) If any member during the term for which he has been elected or deputed becomes disqualified under any of the conditions set forth in the rule on the

subject, he shall be disabled from continuing to be a member and an election to fill up the vacancy so caused shall be held in accordance with these rules.

(*b*) If any vacancy is caused by death, resignation or other causes like the acceptance of a stipendiary office under Government or ceasing to be a member of the original body which elected to the Representative Assembly, an election to fill up the vacancy so caused shall be held in accordance with these rules.

(*c*) When on the occurrence of a vacancy from whatever cause other than efflux of time a member is elected to fill up such vacancy, he shall hold office only so long as the member whose place he fills would have been entitled to hold the office if the vacancy had not occurred.

28. *Association of Non-officials with the Polling Officer.*–

(*a*) One or two non-officials who may be nominated by the Deputy Commissioner may be associated with the polling officer for assisting him in recording the votes of illiterate voters.

(*b*) All such non-officials shall be held responsible in the same way as public servants (or officers).

Polling Officer may Vote if otherwise Qualified.—A polling officer will not be disqualified from exercising his vote at an election.

29. *Custody of Voting Papers.*—When the voting papers have been scrutinized, they shall be replaced in the box from which they were taken and the box, after being locked and sealed with the seal of the polling officer shall be kept by him in safe custody for a period of three months from the date of the result of the election.

30. *Destruction of Voting Papers.*—(i) On the expiry of three months from the said date or if an application regarding the election is made under the rule on the subject, and such application is not finally disposed of before the expiry of three months from the said date, then whenever such application has been finally disposed of, the voting papers shall be destroyed by the polling officer.

(ii) On receipt from any person of a written intimation that he has made an application regarding the election as aforesaid, the Deputy Commissioner shall cause the voting papers to be kept by the polling officer pending the final disposal of the said application.

ANNEXURE III.

Rules of Business and Procedure for the Legislative Council.

(Legislative Council.)

A—Rules for the Conduct of Business under Section 11 of the Regulation.

PART		RULES
I.	Definition	1
II.	Summoning and Adjournment of Council ..	2— 6
III.	Course of Business	7— 10
IV.	Regulation of Discussions	11— 21
V.	Motions generally	22— 35
VI.	Introduction of Bills	36— 40
VII.	Select Committee	41— 50
VIII.	Passing of Bills	51— 56
IX.	Final Stages of Bills	57— 60
X.	Rules relating to Petitions	61— 63
XI.	Admittance of Strangers	64— 68
XII.	Duties of the Secretary	69
XIII.	Books and Records	70— 71
XIV.	General	72— 75

B.—Rules for the Discussion of Budget, etc., under Section 12A of the Regulation.

I.	Rules for the Discussion of the Budget in the Council	76— 89
II.	Rules for asking Questions in the Council ..	90—105
III.	Rules for the Discussion of Matters of General Public Interest	106—134

Rules of Business and Procedure for the Legislative Council.

A. Rules for the conduct of business under Section 11 of the Regulation.

I. DEFINITION.

1. In these rules—

"Bill" means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

In the computation of "Clear days," Sundays and holidays are not included.

II. SUMMONING AND ADJOURNMENT OF COUNCIL.

2. The times and places of meeting shall be fixed by the Dewan, and the Secretary shall notify the same in the official Gazette and to each member by letter.

3. When the business before a meeting is concluded, the President shall declare the meeting dissolved. The President may adjourn, without any discussion or vote, any meeting or business, to any future day or to any part of the same day. The Council also may, upon motion made and carried, adjourn any meeting or business.

4. A motion that any meeting or business be adjourned or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the Council shall adjourn the meeting or business, or the further consideration of the business then under discussion shall be dropped, as the case may be.

5. A motion of the kind referred to in the last preceding rule shall take precedence of any other motion then before the Council, and, if such motion is rejected, no similar motion shall be made until after the lapse of what the President shall deem to be a reasonable time

nor by the Member by whom the previous motion was made.

6. If, at the time appointed for holding a meeting or adjourned meeting as aforesaid, or if at any time after the commencement of business at such meeting, it is found that the quorum required by section 9 of the Regulation (that is to say, the Dewan or some one of the Members of His Highness the Maharaja's Council and one-half of the whole number of members of Council), is not present, the members present shall, without proceeding to business of any kind, adjourn till the next appointed day or such other day as fixed by the President, until again summoned by the Dewan, and the fact shall be noted by the Secretary in the journal of the Council.

III. Course of Business.

7. The Secretary shall send to every Member a statement of the business to be transacted at each meeting at least seven days before the date fixed for such meeting.

8. No business which is not entered in the statement of business prepared under Rule 7 shall be transacted at any meeting unless the permission of the Dewan has been obtained previously to the meeting.

9. The President shall have power to regulate the order in which business is transacted, but, ordinarily, the succession of business shall be as prescribed in Rule 10.

10. After the President has taken the chair—

(1) the Secretary shall report to the Council the Regulations which have received the assent of His Highness the Maharaja, under section 13 of the Regulation, and the Bills which have been disallowed since the last meeting;

(2) The Secretary shall report the names of new members.

(3) the Secretary shall report to the Council the petitions and other communications relating to the business of the Council which have been received by him since the last meeting, and shall, if required, read such petitions and communications to the Council.

(4) Questions shall then be answered.

(5) Members desirous of obtaining leave to introduce Bills, and having obtained the written sanction of the Dewan therefor, shall move that such leave be granted:

(6) the Council shall then proceed to dispose of the business left unfinished at the last meeting, if any; and this being done,

(7) the Council shall proceed to deal with the remaining business of the day.

IV. Regulation of Discussions.

11. The President shall preserve order and shall decide all points of order submitted for his decision by the members and all questions connected with the interpretation of these rules. He shall have all powers necessary for the purpose of enforcing his decisions. There shall be no discussion on any point of order and the President's decision shall be final.

12. Any member may draw the attention of the President to a violation of order and, while he is doing so, all other members shall remain silent.

13. In discussing questions coming before the Council for consideration, a member shall speak from his place and shall address the President.

14. Members may read their speeches and may also read, as part thereof, passages from books or papers bearing upon the question under discussion.

15. No member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of what he said in a previous debate.

16. Except in discussing amendments, when the Council is settling the several clauses of a Bill, no member other than the mover shall speak more than once upon a question; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply:

Provided that, if the matter before the Council be an amendment of a Bill, the member in charge of the Bill shall be entitled to speak next after the mover and seconder of the amendment.

17. A member who has spoken upon a motion may speak again upon any amendment of that motion. A member may also speak again in order to explain what he has previously said if it has been misunderstood.

18. When, for the purpose of explanation or for any other reason, a member has any occasion to ask of another member a question relative to the business before the Council, he shall ask the question through the President.

19. Every matter which comes before the Council for decision shall be decided in accordance with the majority of votes after (1) motion has been made and seconded and (2) the question has been put by the President.

20. No discussion whatever shall take place after the question has been put by the President.

21. Any member may ask for any papers or information connected with the business before the Council, and the President shall determine whether such papers or nformation can be furnished.

If the President be not the Dewan, and the papers or information called for belong to any Department of the State other than the Legislative Department, the Dewan may veto the decision of the President.

V. Motions generally.

22. Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting or must send such notice in writing to the Secretary so as to reach him at least ten clear days before the day fixed for the meeting, at which they intend to make the motion. Provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given.

23. All motions of which notice is given under the preceding rule shall be entered in the statement of business prepared by the Secretary under Rule 7.

24. No motion shall be taken into consideration by the Council unless it is seconded.

25. A motion of which due notice has been given may, in the absence and at the request of the member by whom notice was given, be made by any other member;

but, if not so made, or if a member announces his intention of withdrawing a motion standing in his name, the motion may be made by any other member, and, if not so made, shall not be put unless the Council otherwise orders.

26. If amendments of any motion are moved, the President, when taking the sense of the Council thereon, shall in his discretion put first to the vote either the original motion or any of the proposed amendments thereof.

27. A purely verbal amendment of a motion may be moved at any time during the discussion upon the motion and without previous notice, but no amendment which is substantially the negative of a motion shall be taken into consideration by the Council.

28. A motion shall not be taken into consideration by the Council if it substantially raises a question already disposed of at the meeting or is inconsistent with any resolution already passed thereat.

29. If any motion, as made, involves several points the President may, at his discretion, divide it, so that each point may be determined separately.

30. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

31. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

(i) Not more than one such motion shall be made at the same sitting;

(ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;

(iii) the motion must not revive discussion on a matter which has been discussed in the same session;

(iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a

notice of motion has been previously given and,

(v) the motion must not deal with a matter on which a resolution could not be moved.

32. Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.

33. The member asking leave must hand to the President a written statement of the matter proposed to be discussed.

34. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if fifteen or more members rise accordingly, the President shall intimate that the motion shall be taken at 4 o'clock. If less than fifteen members rise, the President shall inform the member that he has not the leave of the Council.

35. (1) The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 6-30 P.M., and thereafter no question can be put.

(2) No speech during the debate shall exceed fifteen minutes in duration, provided that it shall be within the discretion of the President to allow the mover and the Government Member answering him to exceed the said limit of time.

VI. Introduction of Bills.

36. Any member who may have obtained the previous sanction of the Dewan in writing to introduce a Bill into the Council may move at a meeting of the Council for leave to introduce the same in accordance with section 12 of the Regulation; provided that at least 15 clear days' previous notice of the title and subject of the Bill has been given to the Secretary.

Provided further that in the case of bills brought forward by private members the draft bill together with a statement of the general principles as well as the objects and reasons shall be sent to the Dewan along with the application for sanction. If the Dewan gives his sanction, the general principles as sent in by the member shall be placed before the Representative Assembly at its next session before the Bill is introduced in the Legislative Council.

37. If the motion for leave to introduce a Bill be carried, the mover shall send the Bill, together with a full statement of the objects of and reasons for the proposed measure and any connected papers, to the Secretary who will forthwith cause the Bill, the statement of objects and reasons and the connected papers to be printed and communicated to each of the members, and will also cause the Bill and the statement of objects and reasons to be published in the official Gazette in English and in Kanarese.

Provided that the publication may be deferred under the orders of the Dewan until the next meeting of the Council, when the publication of such Bill shall be considered.

38. The Dewan may, at his discretion, direct the Secretary to publish any Bill together with a statement of the objects of and reasons for it, in the official Gazette in English and in Kanarese, although leave to introduce the Bill has not been applied for under Rule 36; and the Secretary shall publish it accordingly and shall send a copy of the Bill and of the statement of the objects and reasons to each of the members. When a Bill has been published under this rule, it shall not be necessary to move under Rule 36 for leave to introduce it.

39. At any time after leave to introduce a Bill has been granted under Rule 37 or after publication has been ordered under Rule 38, the Member in charge of the Bill may introduce it after giving six clear days' notice to the Secretary: provided that no Bill shall be introduced until fifteen clear days from the date of its publication.

When introducing a Bill, the member in charge of it shall move that the Bill be read in Council. The principle of the Bill and its general provisions may then be

discussed, and, if the motion be carried, the Council shall then consider the question of referring the Bill to a Select Committee, and, if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that its report shall be submitted within a special period. When the general principles of a bill have been discussed in the Representative Assembly, the opinion of the Assembly will be placed before the Legislative Council.

40. At any time during the progress of a Bill the member in charge of it may move for permission to withdraw it, and, if such permission is granted, the Bill shall be withdrawn accordingly. The member in charge of a Bill which has been published under Rule 38, but which has not been introduced and read in Council, may withdraw the same without further formality than a mere announcement of the withdrawal to the Council.

VII. Select Committee.

41. Select Committees may be appointed by the Council for any purpose connected with the business of the Council and may sit and submit their reports although the Council is adjourned. The member in charge of a Bill shall always be member of the Select Committee appointed to consider the Bill.

42. When a Bill has been referred to a Select Committee for consideration, it shall be the duty of the Committee to discuss each clause of the Bill and to recommend to the Council such amendments as seem to it to be advisable.

43. If the Council has fixed a period within which the Select Committee shall submit its report upon a Bill and the Committee is unable for any reason to submit its report within that period, the Dewan may, from time to time, extend the period on the applicationof the member in charge of the Bill.

44. The report of the Select Committee shall be signed by all the members of the Committee or a majority of them; but any member of a Select Committee may record his views in a separate minute.

45. The report of the Select Committee appointed to consider a Bill shall contain particulars for the pincipal

amendments proposed and of the reasons for such amendments, or it may contain a recommendation that the Bill under consideration be abandoned.

46. The report of the Select Committee, any minutes that may have been recorded by individual members of the Committee, and (if the Bill has been amended) the Bill as amended by the Committee, shall be printed and copies furnished to each member of the Council. The report and minutes (if any) and (if the Bill has been amended) the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the official Gazette in English and Kanarese.

47. No business shall be transacted at any sitting of the Select Committee unless a majority of the members of the Committee including the member in charge of the Bill is present.

48. The Committee may elect their own Chairman who shall have power to report to the Dewan the name of any member of the Select Committee who neglects or is unable to attend its sittings, and the Dewan may thereupon appoint, out of the members of the Council, an additional member to the Select Committee.

49. A Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

50. While a Select Committee is sitting to consider a Bill, all communications relating to the Bill which are received by the Secretary including the opinion, if any, expressed by the Representative Assembly on the Bill, shall be referred to it.

VIII. Passing of Bills.

51. When a Bill has been introduced and read in Council under Rule 39 and the Council has decided that it is not necessary to refer it for consideration to a Select Committee, the Council shall not proceed to take the Bill into consideration until the expiration of fifteen clear days from the date on which the Bill was read under Rule 39.

In this case it shall not be necessary to make, on the day on which the Bill comes on for consideration, a formal motion that the Bill be taken into consideration.

52. When a Bill has been referred to a Select Committee under Rule 39, it shall not be taken into consideration by the Council unless copies of the report of the Select Committee and (if the Bill has been amended) of the Bill as amended shall have been sent to each of the members of the Council, at least fifteen clear days beforehand, and, in cases in which the Select Committee has not dispensed with the publication referred to in Rule 40, until the expiration of twenty-one clear days from the date of such publication. Subject to these conditions, the member in charge of a Bill when presenting the report of the Select Committee to the Council may move either,

(i) that the bill and report be taken into consideration at once (the discussion upon this motion shall not extend to the principle of the Bill) or,

(ii) that the Bill be recommitted either --

(*a*) without limitation, or

(*b*) with respect to particular clauses or amendments only, or

(*c*) with instructions to the Select Committee to make particular or additional provision in the Bill.

If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted.

53. Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Rule 22, and the Secretary shall enter the same in the statement of business prepared under Rule 7 ; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequential upon, or moved in respect of amendments, which have been carried.

54. Proposed amendments of Bills shall not be moved until the Bill is actually taken into consideration and, when moved, they shall be considered in the order of the sections to which they relate.

Proposed amendments of Bills shall be governed by Rules 24, 25, 26 28, and 29, relating to motions.

55. The President may declare that a proposed endment of a Bill shall not be discussed or put to the te on the ground that it is irrelevant or incomplete or hat an amendment identical in substance with it has een previously disposed of by the Council in considering he same Bill.

56. When the amendments proposed by the Select Committee (if the Bill has been referred to a Select Committee), and such other amendments as may be proposed by any of the members before the Council, have been considered by the Council, the member in charge of the Bill, or in his absence any other member, may move that the Bill as amended be taken up and passed at a subsequent meeting.

At such meeting the Council shall consider the amendments, if any, moved on behalf of Government, and pass the Bill. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage.

IX. Final Stages of Bills.

57. When a Bill has been passed by the Councilr the Secretary shall revise and complete the marginal abstracts and the numbering of the sections thereof and shall forward it to the Dewan for submission to His Highness the Maharaja with the opinion, if any, expressed by the Representative Assembly.

58. The Dewan shall communicate His Highness' assent or dissent to the Council by certificate in writing at the foot of the Bill, and the Bill with such certificate shall be lodged in the records of the Council.

59. No member shall make any motion upon, or otherwise bring under the consideration of the Council, the exercise by His Highness of the prerogative of withholding assent to a Bill, or of according sanction to it with any alteration which His Highness may consider necessary.

60. When a Bill has received the assent of His Highness the Maharaja under section 13 of the Regulation, it shall be published in the official Gazette in English and in Kanarese.

X. Rules Relating to Petitions.

61. Petitions to the Council must—

1. relate to some matter actually under th consideration of the Council;
2. be superscribed 'to the Legislative Council
3. be dated and signed by the Petitioner or Pet tioners;
4. be in respectful and temperate language; and
5. conclude with a distinct prayer.

62. If a petition is not in conformity with Rule 55, or if the Secretary sees reason to doubt the authenticity of any signature appended thereto, he shall certify the same on the back of the petition and report the fact to the Council. The Council may thereupon reject the petition, which shall then be returned to the petitioner or petitioners with a statement of the reason for such rejection.

63. If the petition is in conformity with Rule 55, the Secretary shall, if necessary, make an abstract of it and bring the petition under consideration by reading it or the abstract before the Council, which shall deal with the petition in such manner as it may deem proper.

XI. Admittance of Strangers.

64. Persons desirous of admission into the Council Chamber during the sittings of Council shall make application to the Secretary. Such application shall be made through a Member at least two clear days before the meeting.

65. The President may, at any time during the sitting of the Council, direct that all strangers withdraw.

66. If a Bill which peculiarly affects private interests be under the consideration of the Council or of a Select Committee thereof and if any person whose interests are so affected apply to the Council or Select Committee for permission to be heard, either personally or by counsel, on the subject of the Bill, the Council or Select Committee may, upon the motion of any member, direct that the petitioner or his counsel be heard at the

meeting at which the motion is made or at and on some future specified time and day; and if the petitioner or his counsel is not present at the said meeting or does not appear at and on the said time and day, as the case may be, the permission granted by the Council or Select Committee shall be deemed to have lapsed.

67. Except as provided in Rule 60, no stranger shall be permitted to address the Council or any Select Committee.

68. Any member may move that the hearing of any person who has been permitted under Rule 63 to address the Council or a Select Committee shall cease, if such person is irrelevant or unduly prolix, or for any other sufficient reason.

XII. Duties of the Secretary.

69. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding rules:—

(1) to take charge of the records of the Council;
(2) to keep the prescribed books;
(3) to attend all meetings and to take minutes and maintain a correct record of the proceedings;
(4) to communicate all votes on the Budget to the Government in the Financial Department, and all other resolutions to the Government in the Departments concerned;
(5) to superintend the printing of all papers ordered to be printed;
(6) to note in Bills the amendments ordered by the Council and to scrutinise all Bills and Regulations in view to preventing typographical errors;
(7) to prepare and revise the marginal abstracts of Bills and Regulations and the headings and arrangement of the chapters and the numbering of the sections thereof;
(8) to carry on correspondence under the orders of the Council;
(9) to help, when required to do so, in the framing of Bills;
(10) to generally assist the Council.

XIII. Books and Records.

70. A journal shall be kept containing a brief abstract of the proceedings of the Council. This journal shall be submitted as soon as possible after each meeting to the President for his confirmation and signature.

A copy of such abstract shall also be published in the official Gazette in English and in Kanarese, as soon as may be, after the conclusion of each meeting.

71. A register and index of all letters and petitions addressed to, or despatched under the orders of the Council shall be maintained.

XIV. General.

72. The Council may, on a motion and at any time suspend the operation of any of the foregoing rules.

73. Any Bill respecting which no motion has been made in the Council for the space of two years, may, by order of the President, be removed from the list of business and the fact of such removal shall be announced by the President to the Council.

74. The Dewan or the member in charge of a Bill may entrust it to any other member, and the member to whom it is so entrusted shall be the member in charge of the Bill for the purposes of these rules.

75. Any member may apply to the Secretary for any papers or information connected with the business before the Council, and the Dewan shall determine whether such papers or information can be furnished.

B.—Rules for the discussion of Budget, etc., under Section 12A of the Regulation.

I. Rules for the Discussion of the Budget in the Council.

76. The estimated annual expenditure and revenue of the Government shall be presented in the form of a

statement called "the Budget" before the Council in each year on such day as the Government may appoint. Copies of the Budget shall be despatched to the members the same time that they are despatched to the members of the Representative Assembly.

77. *Appropriation proposals.*—(i) The proposals of the Government for the appropriation of revenue or moneys relating to items of expenditure other than those specified in (ii) *infra* shall be submitted to the vote of the Council in the form of demands for grants.

(ii) The proposals of the Government for appropriation of revenue or moneys relating to the following items of expenditure shall not be submitted to the vote of the Council;

Items of expenditure affecting:—

1. The Palace.
2. The Military.
3. The pensions of public servants.
4. The relations of the State with the British Government under the Treaty.
5. Interest on Loans and guaranteed Sinking Fund, and
6. Expenditure prescribed or authorised by Law.

(iii) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the items specified in (ii) *supra*, the decision of the Dewan on the question shall be final.

78. *Demands for grants.*—(i) A separate demand shall ordinarily be made in respect of the grant proposed for each Department of the Government provided that the Government may, in their discretion, include in one demand grants proposed for two or more departments, or make a demand for any specific purpose or in respect of expenditure which cannot readily be classified under particular departments.

Note.—These grants will be classified as major heads.

(ii) Each demand shall contain, first a statement of the total grant proposed and then a statement of the detailed estimate under such grant divided into items.

(iii) Subject to these rules, the Budget shall be presented in such a form as the Government may consider best fitted for its consideration by the Council.

(iv) The demands to be submitted to the vote of the Council and the heads of accounts to be comprised under each demand shall, for the present, be as in the appended statement. Each of these twenty-eight demands will be treated as a major head for purposes of voting by the Council. This classification may from time to time be revised by Government.

(v) In the course of the discussion for demands for grants the President shall have discretion to admit new motions of demands for grants not contained in the Budget.

79. *Stages of the Budget Debate.*—The Budget shall be dealt with by the Council in two stages, *viz.*,

(i) A general discussion.
(ii) The voting of demands for grants.

Note.—The resolutions of the Representative Assembly on the Budget shall be communicated to the Members of the Legislative Council for their information.

80. *General discussion.*—(i) On a day to be appointed by the Government subsequent to the despatch of copies of the Budget to the members of the Council and for such time, not more than two days as the Government may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein but at this stage no motion shall be moved nor shall the Budget be submitted to the vote of the Council.

(ii) The Member of Government in charge of the Finance Department or any official member of the Legislative Council authorised by him shall have a general right of reply at the end of the discussion and the President may, if he thinks fit, make any remarks.

(iii) The President may, if he thinks fit, prescribe a time limit for speeches.

(iv) The Council may assent, or may refuse to assent, to a demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed.

81. (i) *Voting of grants.*—Not more than four days shall be allotted by the Government for the discussion of the demands of the Government for grants.

(ii) Of the days so allotted not more than one day shall be allowed by the Government to the discussion of any one demand. As soon as the maximum limit of time is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(iii) On the last day of the allotted days at 5 P.M., the President shall forthwith put every question necessary for the disposal of all the outstanding matters in connection with the demands for grants.

82. (i) *Motions at this stage.*—No motion for appropriation can be made except on the recommendation of the Government communicated to the Council.

(ii) Motions may be moved at this stage to omit or reduce any grant or any item in a grant but not to increase a grant or to alter the destination of a grant.

(iii) Notice of a motion to omit or reduce any grant shall be given seven clear days before the date fixed for the general discussion of the Budget, provided that the President may at his discretion allow a motion at shorter notice.

(iv) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(v) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.

83. *Restoration of grants.*—The Government shall have power in relation to any demand to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if they consider that the restoration of the grant is necessary for the carrying on of any department.

84. *Power in case of an emergency.*—The Government shall have power in cases of emergency to authorise such expenditure as may be, in their opinion, necessary for safety or tranquillity of the State or any part thereof or for the carrying on of any department.

85. *Restored grants and emergency expenditure.*—If the Government decide that any demand which has been omitted or reduced by the Council is essential to the carrying on of any department and act as if such demand has been assented to or if the Government, in case of emergency, authorise such expenditure as in their opinion is necessary for the safety or tranquillity of the State or any part thereof for the carrying on of any Department, the Government shall, as soon as may be, thereafter cause to be laid on the table of the Council a statement showing the action so taken by the Government but no motion shall be made in regard to that action nor shall that statement be discussed.

86. *Excess grants.*—When money has been spent on any service for which the vote of the Council is necessary during any financial year in excess of the amount of grant for that service and for that year, a demand for the excess shall be presented to the Council by the representative of the Finance Department and shall be dealt with in the same way by the Council as if it were a demand for a grant.

87. (1) *Supplementary or Additional Grants.*—An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year,

or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget of that year.

(2) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

88. *Reappropriations.*—After grants have been voted by the Legislative Council, reappropriations within any grant may be sanctioned by Government in the Finance Department or by any other authority authorised by them in this behalf.

The demands may for the present be as follows :—

No.	Heads of accounts	
	A. Expenditure charged to Revenue.	
1	1. Land Revenue ..	
2	2. Forest ...	
3	3. Excise ..	
4	3a. Income-Tax. ...	
	4. Stamps ...	
	5. Registration ..	
5	8. Sinking fund } Votable items ...	
	9. Interest }	
	13. Muzrai ...	
	15. Pensions and allowances (Votable items.)	
6	12. General Administration ...	
7	14. Scientific & Miscellaneous Departments.	
	7. Supervision of Mines ...	
8	16. Stationery and Printing ...	
	17. Miscellaneous ...	
	33. Miscellaneous Railway expenditure.	
	36. Miscellaneous Electrical expenditure.	
9	18. Courts of Law ..	
	19. Jails ..	
10	20. Police ...	
11	21. Medical ..	
	22. Sanitation ..	
12	23. Irrigation works charged to Revenue.	
13	24. Civil works ..	
14	25. Economic Conference ..	
15	26. Industries & Commerce ..	
	27. Co-operative Societies ...	
	28. Agriculture ...	
16	29. Education ...	
17	30. Grants for Public Improvements.	
18	XXIV Railways ..	
	2. Working expenses ...	
	3. Surplus Profits ...	
	4. Guaranteed Interest. ..	

No.	Heads of accounts	
19	XXV Krishnarajasagara works ..	
	2. Working expenses ..	
	XXVI Electrical works Cauvery Power scheme.	
	2. Working expenses, Depreciation charges and Telephone charges.	
20	XXVII. Sandal Oil Factory ...	
	2. Working expenses ..	
	3. Depreciation ..	
	4. Interest on capital ...	
	5. Loss on sale of old stock ...	
21	XXVIII. Kolar Gold Fields Water Works.	
	2. Working expenses ...	
	3. Depreciation ..	
22	XXIX. Industrial works, Working expenses depreciation, etc.	
23	Reserve at the disposal of the Finance Department.	
	B. Capital outlay not charged to Revenue.	
24	37. Railways and Tramways ..	
5	38. Krishnarajasagara works ..	
	39. Electrical works ..	
26	41. Bhadravati Iron works ..	
27	40. All other works, industrial or otherwise.	
	C. Disbursements of Loans and Advances.	
28	Advances ..	
	Loans ..	

89. No discussion shall be permitted in regard to any subject removed from the cognizance of the Mysore Legislative Council by the proviso to section 12 of the Mysore Legislative Council Regulation of 1907.

II. Rules for asking Questions in the Council.

90. Subject to the conditions and restrictions contained in the following rules, any of the Non-official members of the Council (elected or nominated) may ask any question on matters of public interest or importance.

91. No member shall be allowed to send up more than two questions for any session of the Council.

92. No question shall be asked or answered in the Mysore Legislative Council as to any matters or branches of the Administration relating to the subjects removed from the cognizance of the Mysore Legislative Council under the Proviso to sub-section (2) of section 12 of the Mysore Legislative Council Regulation, 1907.

93. (1) No question shall be asked unless it complies with the following conditions, namely:—

(*a*) it shall be so framed as to be merely a request for information,

(*b*) it shall not be of excessive length,

(*c*) it shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity,

(*d*) it shall not ask for an expression of an opinion or the solution of a hypothetical proposition, and

(*e*) if a question contains a statement, the member asking it must make himself responsible for the accuracy of the statement.

(2) (*a*) When any question is not framed in accordance with the above rule, the President may either himself amend it in such a way as to render it admissible or may cause it to be returned to the member concerned for the purpose of amendment.

(*b*) If the member does not, within such time as the President may fix in this behalf, resubmit the question duly amended or intimate his acceptance of the President's amendment, the question shall be deemed to have been withdrawn.

94. The member wishing to put any questions shall send them up at least twelve clear days before the date fixed for the meeting to the Secretary to the Legislative Council, the notice being signed by as many other non-official members as may wish to support the question.

95. If more than 20 questions are received, the number of questions to be answered will be selected on the grounds of the importance of the questions, priority of their receipt and the measure of support which they may have received from other non-official members.

96. The President may disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests, and in such case the question shall not be entered in the proceedings of the Council.

97. No discussion in Council shall be permitted in respect of any order of the President under Rule 8 or under Rule 11.

98. The President may, if he thinks fit, allow a question to be asked with shorter notice than twelve clear days and may in any case require longer notice, if he thinks fit, or extend, if necessary, the time for answering a question.

99. All the questions which are allowed by the President in accordance with the foregoing provisions shall be entered in the Agenda paper for the meeting of the Legislative Council. If any of the remaining questions are repeated by the same member for any subsequent session of the Legislative Council, they will have precedence over new questions.

100. Questions shall be put and answers given in such manner as the President may, in his discretion, determine.

101. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the Mysore Legislative Council Rules as to subject matter of questions.

102. The member who answered the original question may decline to answer a supplementary question without notice, in which case the supplementary question may be put in the form of a fresh question at a subsequent meeting of the Council.

103. The President may rule in his discretion that an answer to a question on the Notice Paper, even though

the question be not put, shall be given on the ground of public interest.

104. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

105. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

III. Rules for the Discussion of Matters of General Public Interest.

Matters open to discussion.

106. Any matter of general public interest may be discussed in Council subject to the following conditions and restrictions.

107. No such discussion shall be permitted in regard to any of the following subjects, namely—

(*a*) any subject removed from the cognizance of the Legislative Council by section 12 of the Mysore Legislative Council Regulation, 1907;

(*b*) any matter under adjudication by a court of law having jurisdiction in any part of the Mysore State.

Resolutions.

108. Subject to the restrictions contained in Rule 100, any member may move a resolution relating to a matter of general public interest.

Provided that no resolution shall be moved which does not comply with the following conditions, namely :—

(*a*) It shall be in the form of a specific recommendation addressed to the Government of His Highness the Maharaja ;

(*b*) It shall be clearly and precisely expressed and shall raise a definite issue.

(*c*) It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

109. The maximum number of resolutions which may be brought up at any session should be fixed at 20.

110. Selection of resolutions should be by ballot.

The balloting may be conducted by registered post Delivery may also be made by special messenger.

111. A member, who wishes to move a resolution, shall give notice in writing to the Secretary, at least twenty-one clear days before the meeting of the Council at which he desires to move the same and shall together with the notice submit a copy of the resolution which he wishes to move.

Provided that the President may allow a resolution to be moved with shorter notice than twenty one days, and may, in any case, require longer notice or may extend the time for moving the resolution.

112. (1) The Secretary shall submit every resolution of which notice has been given to him in accordance with Rule 103 to the President, who may either admit it or, when any resolution is not framed in accordance with Rule 101, cause it to be returned to the member concerned for the purpose of amendment;

(2) If the member does not, within such time as the President may fix in this behalf, resubmit the resolution duly amended, the resolution shall be deemed to have been withdrawn.

113. The President may disallow any resolution or part of a resolution without giving any reason therefor other than that in his opinion it cannot be moved consistently with the public interests.

114. (1) No discussion in Council shall be permitted in respect of any order of the President under Rule 11 or Rule 107.

(2) A resolution that has been disallowed shall not be entered in the proceedings of the Council.

115. Resolutions admitted by the President shall be entered in the statement of business for the day in the order in which they are received by the Secretary.

Provided that the President may give priority to any resolution which he may consider to be of urgent public interest or postpone the moving of any resolution.

Discussion of Resolutions.

116. No resolution shall be taken into consideration by the Council unless it is seconded.

117. The discussion of resolutions shall take place after all the other business of the day has been concluded.

118. (1) After the mover of a resolution has spoken, other members may speak to the motion in such order as the President may direct, and thereafter the mover may speak once by way of reply.

(2) No member other than the mover and the Member of His Highness' Council in charge of the department concerned shall speak more than once to any motion, except with the permission of the President, for the purpose of making an explanation.

119. No speech, except with the permission of the President, shall exceed fifteen minutes in duration.

Provided that the mover of a resolution, when moving the same, and the Member of His Highness' Council in charge of the department concerned may speak for thirty minutes.

120. (1) Every member shall speak from his place, shall rise when he speaks, and shall address the chair.

(2) At any time, if the President rises, any member speaking shall immediately resume his seat.

121. Any member may send his speech to the Secretary not less than two clear days before the day fixed for the discussion of a resolution, with as many copies as there are members, and the Secretary shall cause one of such copies to be supplied to every member.

122. The discussion of a resolution shall be limited to the subject of the resolution and shall not extend to any matter as to which a resolution may not be moved.

123. When a resolution is under discussion, any member may, subject to all the conditions and restrictions relating to the resolutions specified in Rules 107 and 108, move an amendment to such resolution.

Provided that an amendment may not be moved which has merely the effect of a negative vote;

Provided further that no amendment shall be taken into consideration by the Council unless it is seconded.

124. Every amendment proposed shall be handed in writing to the Secretary.

125. A member who has moved a resolution or an amendment of a resolution may withdraw the same unless some member desires that it be put to the vote.

126. When, in the opinion of the President, a resolution and any amendment thereto have been sufficiently discussed, he may close the discussion by calling upon the mover to reply and the Member of His Highness' Council in charge of the department concerned to submit any final observations which he may wish to make.

Provided that the President may in all cases address the Council before putting the question to the vote.

127. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

128. If any resolution involves many points, the President at his discretion may divide it so that each point may be determined separately.

129. (1) Every question shall be resolved in the affirmative or in the negative according to the majority of votes.

(2) Votes may be taken by voices or by division and shall be taken by division if any member so desires.

(3) The President shall determine the method of taking votes by division.

General.

130. The President may assign such time as, with due regard to the public interest, he may consider reasonable for the discussion of resolutions or of any particular resolution; every resolution which shall not have been put to the vote within the time so assigned shall be considered to have been withdrawn.

131. Every resolution, if carried, shall have effect only as a recommendation to the Government of His Highness the Maharaja.

132. When a question has been discussed at a meeting of the Council, or when a resolution has been disallowed under Rule 105 or withdrawn under Rule 117, no resolution or amendment raising substantially the same question shall be moved within one year.

133. (1) The President shall preserve order and all points of order shall be decided by him.

(2) No discussion on any point of order shall be allowed unless the President shall think fit to take the opinion of the Council thereon.

(3) Any member may, at any time, submit a point of order to the decision of the President.

(4) The President shall have all powers necessary for the purpose of enforcing his decisions.

134. The President, for sufficient reason, may suspend any of the foregoing rules.

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Minutes.

Minute of Dissent By Messrs. K. Chandy and K. Matthan.

We have signed this report as most of the specific recommendations contained in it (excepting those in regard to which our dissent or qualification has been noted in the report itself) have our support or concurrence. We have, however, considered it necessary by means of this minute to take exception to some of the lines of argument and conclusions regarding the representation of minority communities by means of Associations.

2. The present rules on the subject of recognition of Associations were intended to give representation to "approved public interests," and not for the representation of minority communities. The Committee consider that the best way for the representation of minority communities is through similar Associations. We wish to point out that there is a vital difference between the representation of public interests and of minority communities. For the representation of public interests or "facultative representation" the whole emphasis is to ascertain whether the "faculty" is alive, and is not merely a coterie for getting a benefit; whereas in the case of minority communities, the ground for representation is a different one. It is that an entire community, with distinguishable characteristics and spread over different areas, when it numbers over twenty thousand should not, in the terms of a resolution of the Committee, "be denied representation." The very existence of a community in the body politic, which, in spite of its numbering twenty thousand or more is unable to get into the Representative Assembly even a single successful candidate through the general electorate—that is the reason, and it is a sufficient reason. The majority communities come in, in their numbers, to the Assembly on account of holding property and on account of their numbers; the question to what extent such communities are facultatively alive never arises. There is hence no justification, political or ethical, for fixing standards of "facultative" competency and efficiency for Associations that are the sole media for the representation of minority communities.

3. The representation of minority communities through Associations in preference to communal electorates can be justified, because minorities are too many and difficult to standardize, and because communal electorates are likely to make the divisions between communities too rigid and perpetuate them. This is the sole justification. We have to divest our minds, when considering the question of Associations of minority communities, of the cognate idea of Associations for public interests or faculties. We should concentrate on the fact of twenty thousand and more of our fellow-beings having to remain dumb—of not having an opportunity of "making their cry heard" as our colleague Mr. Ramaswami Chetty said--if they are not represented by even a single member ; and the whole emphasis is, therefore, not whether the Association is " facultatively " alive and doing public work, but whether the Association or group of Associations gives us any kind of chance for hearing that "cry" from that twenty thousand. Viewed from this angle, it will be found that the Committee's conception of further elaborating and rigidifying the rules of recognition that are suited for public interests or faculties, becomes faulty when applied to communities. Government should have the fullest and freest liberty in the matter, eyes screwed to discover and only to discover whether the Association and the person elected by it do voice that " cry " and not to judge whether the community or the Association is " facultatively alive " and "earning increments by earnest effort."

4. We are, therefore, strongly of opinion that a sharp line of demarcation should be drawn by Government in the matter between Associations representing minority communities and those representing public interests. The rules that may be framed for the former should be intended solely to ensure that the Association and the member elected by it represent the community concerned ; or rather could voice its "cry."

5. We are constrained to observe also that the majority, by calling these communities by the name of " Social Segregation Groups" has come to the wrong conclusion that these groups are necessarily a " wound of fate." Minority communities are never purely "Social Segregation Groups ;" and when, as has been done in the report,

minorities on account of differences in religion are also included, the name becomes a mere misnomer. The majority have missed the spiritual significance of the well-known fact that Saviours of society, prophets, artists and thinkers, have arisen largely out of minority communities and probably on account of that very segregation. The problem of minority communities has thus to be approached with greater sympathy and understanding than is exhibited in the report.

K. CHANDY,
K. MATTHAN.

Minute of Dissent by Mr. Mahomed Abbas Khan.

I regret I have to express my complete disagreement in regard to the opinions expressed and proposals made in the report on the two main points, *viz.*, (1) Representation of minorities including Communal Representation and (2) Mahomedan Representation.

1. *Introductory.*—The problems to be dealt with, though simple, do not seem to have been correctly understood by the majority of the Committee who are responsible for this part of the report. The solutions proposed though supported by erudite analogies and arguments and abstract principles of political philosophy, disclose an inadequate appreciation of local conditions and requirements and do not therefore meet the situation. I may also add that in order to justify the conclusions put forward much new matter has been introduced and many facts and arguments cited that were not considered by the Committee.

(i) Communal Representation and Representation of Minorities.

2. *Representation of Minority Communities more or less identical with Communal Representation.*—The majority of the Committee, who are authors of the report though professing to be opposed to Communal Representation concede that it is necessary to provide for it in some form or other in the scheme as owing to the wide differences between the various communities in regard to numerical strength, social and religious customs, educational progress, even economic conditions and other factors, a single common franchise cannot provide adequate representation, to all classes and some modification of it is necessary in order to safeguard the interests of all minority communities that cannot expect to succeed at the ordinary polls or return a sufficient number of representatives proportionately to their importance by such means.

The authors (the majority) put the case for minorities forcibly in the following propositions though I must add that I strongly dissent from some of the implications suggested and the applications made (para 121 of the report).

" The problem of Minorities is the outstanding problem in the theory and practice of a democratic constitution, second in interest and importance only to the problem of devising checks on the absolute irresponsibility of the will of the majority in such a constitution."

" The demand for the protection of minorities (what constitutes a minority will be considered presently) is therefore not to be brushed aside as the outcome of crass selfishness or base fear. It is of the same origin (and character) as the protection which Nationalists demand for nascent or infant industries in the economic sphere and the answer to the demand must be the same." (Para 125 of the repor..)

3. *No Clear Definition of Minority Communities in the Report.*—The crux of the problem consists in a correct definition of the term "Minority Communities" but in none of the resolutions is the meaning clearly laid down nor is it anywhere defined how the minority communities are to be determined. In my opinion, much of the obscurity and ambiguity in which the proposals are involved has been caused by the fact that the problem has not been considered in its practical aspects at all, but on the basis of such paradoxical half-truths as " no community is a minority community and that every community is a possible minority " and that the representation is to be given not ' qua-communities ' but ' qua-minorities.'

4. *Concrete Proposals of the Majority.*—It is impossible within a reasonable compass to summarise the purport of the opinions expressed in the voluminous report in this connection but the following extracts contain the chief basic proposals.

"All the communities who do not secure representation in general elections are to be classed as minority communities and that in this view every community is a possible minority (paras 137 and 138 of the report). In para 136 under the head " Facultative Representation " the report says, "Our problem, it will be seen, is to secure protective, (and if need be compensatory) representation to communities, not qua-communities, but only qua-minorities, in other words, to any community standing in need of it, be it Mahomedan, Christian, Panchama or any other, not by virtue of its being governed by a definite body or corpus of personal law, or its being a social segregation group, but only

so far as it is a body likely to be swamped at the polls, or discriminated against in law or administration."

Resolution No. (i) para 140 of the report.—"Any minority community which numbers not less than twenty thousand persons and which is not represented in the Representative Assembly through the general electorates shall not be denied representation through an Association if it applies for it." (Resolution No. (i) item 11 of recommendations of the Committee).—"That for the representation of the minorities the best way is to allow representation through Associations and by nominations, if necessary, for the purpose of securing adequate representation."

Resolution No. (ii) para 140.—"In the apportionment of seats among minority communities by means of Associations, the following factors should be considered by Government :—(*a*) Numerical population, (*b*) Voting strength and (*c*) Literacy."

5. *Objections to the Propositions Summarized.*—Before proceeding to criticise these propositions in detail I may point out that they all overlook the fundamental points involved that the only reason why it is considered necessary to provide for the representation of a minority separately is that its interests are recognised to be sufficiently important to justify some special means being provided for it to be able to return a member, and, that thus failing to secure representation under certain conditions, is only an incident, which necessitates such special treatment, and not the basis of the privilege.

Now turning to the propositions in detail in the order I have enumerated, the first is not really a proposition but merely an academic assertion, for a literal application thereof will lead to the startling conclusion that even such numerically large communities as Vokkaligars, may come under this description if, in spite of their furnishing a majority of voters in a constituency, they prefer to give their votes to and return a member belonging to other communities.

As regards the proposal that the representation should be given to a community as a minority and not as a community, this is inconsistent with the next proposition which concedes the privilege of returning a member to all communities in the State numbering not less than 20,000 who are unable

to secure representation at the general election, thereby emphasizing the integral feature of the community and providing later on for a representation of the community in proportion to its numerical strength, voting capacity and other conditions.

It is therefore clear that the theory of 'qua-minorities' in contrast to 'qua-communities' was not in the minds of the authors (majority) of the report at the time when the resolutions were formulated and that it is evidently a subsequent development which has not the authority of any resolution of the Committee. The theory, moreover, deliberately ignores the very object with which representation of minorities, *i.e.*, communities as distinguished from interests, is provided, *viz.*, the existence of communities that are distinct from the bulk of the population in the matter of religion, tradition, personal law and customs and who politically and socially constitute distinct interests.

Moreover, the minorities that are likely to be swamped at the polls are really those, who being numerically small and not living together as compact groups, have low voting power. It seems to me therefore much better to recognise in the light of our previous experience the communities that have no chance of being returned ordinarily at the polls and allow them separate representation until the general progress of the community and of the country render such concessions superfluous. Moreover, as the communities concerned will find that it would be easier for them to return a representative by the exercise of their rights as separate independent units, it is very unlikely that candidates from such communities will not resort to this certain method of securing their return through their own constituencies rather than run the risk and incur the expenditure of a double election. In my opinion, by allowing to candidates from backward communities scope to be elected both in the ordinary way and as members of such communities, the results will tend to the benefit of the State as a whole as it will give a special impetus to the development of backward communities and accelerate the process of levelling up of all classes, which alone, when complete, can make the State prepared for an entirely democratic constitution. The imposition of the condition that no community should be allowed to exercise its rights to send a special representative unless these candidates have first stood

at the polls and failed to secure election in the usual course has perhaps been influenced by the fear that if such communities exercise any exceptional privileges, they may obtain too many seats. Though such contingency seems remote, yet should it happen, it appears to me to be more a matter for congratulation than otherwise, for the more such backward communities come forward and are able to stand competition, the more securely will the foundations of progress be laid.

The apprehension entertained by the Committee that such special treatment may lead to increasing dissension and the breaking of the communities concerned and take away the incentive to place themselves on a level with the progressive elements in the State, appear to me far fetched. These apprehensions are due to the fact, that the majority of the Committee have not realized the special conditions that prevail in the State and the special remedies necessary. Their proposals will in no way mitigate the disabilities of such communities, but on the other hand tend to the perpetuation of existing inequalities, for there is no chance of any of the backward communities coming forward under existing circumstances unless their growth is fostered by every possible means.

6. *Alternative Proposals of the Mover.*—I shall now proceed to put forward other concrete proposals to suit the conditions in the State. I am in entire agreement with the proposition that all distinctive communities in the State that number not less than twenty thousand should be represented in the Representative Assembly. In the case of communities that have not under present conditions been able to secure adequate representation, they should be given the privilege of returning one or more members according to their competency. I see no objection to such elections being made by separate electorates or by reserving seats for them in plural constituencies. I have however agreed to their representation through recognised Associations, as one of the practicable methods (not the best) to avoid variations in the franchise. The Committee prescribe only a minimum and no maximum. This leaves the position of the electoral units indefinite and though theoretically there may be some advantage in not defining the communities that will be allowed the special privilege as the benefit may be extended in

such cases automatically to all communities that fail to secure a representative at the general elections, there can be no doubt that such indefiniteness will lead to the dislocation of the entire election machinery. I am therefore strongly of opinion that the minority communities who will be entitled to such special privileges should be specified by Government and the number of seats to be allowed to them, fixed. I am opposed to such communities being allowed to exercise their right of election only in case their candidates fail at the general poll and the liberty of every citizen to secure election by complying with the general qualifications should not affect the special privileges given to special communities for special reasons. I am also of opinion that it is not sufficient to accept numerical figures of population, voting strength, and literacy, as the sole factors for determining the number of seats to be apportioned to each community but other factors such as Political importance, depressedness, self-protective capacity, social and religious customs should also be allowed their due weight.

While the majority of the Committee indirectly concede the necessity for communal representation, though not under that name, their suggestions in regard to the arrangements to be made for the purpose are such that it is impracticable to satisfy thereby the claims of all the communities so recognised. From the Census Report we find that there are as many as 29 communities which number more than twenty thousand. Allowing that at least 5 of these communities do not come under the category of minority communities as their numbers, etc., are such that they should have no difficulty in securing adequate representation by the ordinary means, it is obvious that as it is proposed to provide only 35 seats in all for the purpose after meeting the requirements for nomination, etc., the remainder will not be sufficient to meet the claims of all the communities—much more so, if the principle of adequate representation is applied to such communities as contemplated in the proposals of the Committee and they thus become entitled to more than one seat. It is for this reason that I propose to raise the number of such seats at least to 50. My learned colleagues Messrs. K. Chandy, K. Matthan and B. V. Ramaswamy Chetty are also of the opinion that the number fixed by the Committee is insufficient (clause 4 of para 141 of the report).

There is another question of equal importance which requires notice. In the rules framed by the Committee regarding election of members by Associations representing minorities, it is laid down that six months before each triennial election the register of the Associations enjoying the privilege should be revised by Government. But Resolution No. (1) para 140 of the Committee enjoins that that privilege is to be granted only to Associations in cases where the representation of the respective minority is not secured through the general electorate. It is hardly possible to reconcile the one resolution with the other. For, according to the resolutions it is not possible to say until the results of the general election are announced, which of the Associations can be deemed to have become entitled to the privilege as such a privilege does not accrue unless the community has failed to secure a representation at the ordinary polls. In case it becomes so entitled, the interval between the announcement of the election results and the sittings of the Assembly will not be long enough to enable it to organise an Association and to fulfil all the conditions which the Committee propose to impose on such Associations in order to secure recognition for purpose of franchise. Even assuming that the conditions have been complied with before the Session begins, the returning officer who has to arrange to conduct the election will find it impossible to comply with all the formalities and record the votes. The grouping of Associations will again be another hindrance to speedy elections.

In my opinion, the simplest and most rational procedure would be to grant the privilege to such of the Associations of minority communities as deserve representation and to assign to them a fixed number of seats independent of the results of the general election.

There is another anomaly in the proposed rules which also require further examination. The majority of the Committee have resolved, that in cases where there is only one candidate, the minimum number of votes required for the return of that candidate shall be fixed at 25 per cent of the total number of members of the Association or fifty members, whichever is less, while, in the case of the general election no such limitations have been imposed and if the seat is not contested, the candidate is declared to be elected without any votes being recorded at a general election. Moreover, it is

not clear, why, when no such restrictions are placed even in the case of Associations when there is a contest, they should only be applied if the candidature is not contested. I am of opinion therefore that this inequitable provision should be eliminated from the rules of election. It may be mentioned here that on account of frequent representations made to Government as to the difficulty to arrange for any large number of members to be present at the meeting of an Association to select members for the Representative Assembly, the number which was originally fixed at $\frac{3}{4}$ths of the number of members of an Association was at first reduced to 25 per cent, and again after further consideration of the question, it was fixed arbitrarily at 25, irrespective of the number of members of the Association, *vide* Order No. M. 4478-85—R. A 45-21-3, dated the 30th March 1922. This number is the minimum required to form a quorum and no limitation has been imposed as to the number of votes required. As these onerous conditions are certain to prove a great impediment in successfully returning members, I am of opinion that they should be eliminated and the existing procedure not made more rigorous and complicated.

7. *Concluding Remarks.*—In conclusion, I beg to observe that as I have already pointed out, there is no use in disguising the fact that the demand for minority representation has at its basis the need for the special representation of the backward communities which under normal conditions have at present no chance of being adequately represented in any of the Councils and Chambers in the State. Minority representation so far as it concerns communities, is therefore more or less identical under existing circumstances with communal representation. I am in full sympathy with the ideal that the goal to be reached is the ultimate evolution of a franchise that would be entirely independent of all social and religious barriers and am anxious to do all that is in my power for the attainment of this ideal. Before we can arrive at this stage, it is absolutely necessary that every part of the body politic should be firmly knit and the weaker parts not cut out or allowed to die off but refreshed and strengthened so as to impart health and vitality to the whole organisation. There can be no more powerful and lucid illustration of the danger of devising constitutional remedies and expedients on abstract theoretical grounds than the proposals

of the m[illegible]e Committee whose theories drag them into the position in which the only remedies they can suggest to the existing evils are to afford more and more scope for the operation of the very causes that have led to the marked inequalities that prevail among the different classes in the State and the undue predominance of certain classes. It is therefore necessary to deal with the country as it is, and not on mere theories of what it ought to be, and we should be careful not to clog the wheels of progress to satisfy mere visionary ideals. The apprehension entertained by the learned and esteemed chairman that communal representation is an out-break of a "fungoid,' a cancerous growth that would send its off-shoot into all the social tissues (para 129 of the report) is not justified in the light of experience in British India. As I have already pointed out, the recognition of the backward classes will serve as the most potent stimulus for their uplift. It is a matter of common knowledge that in the Representative Assembly the majority of the seats are being captured by a single class to the detriment of other classes. Are we to allow these glaring inequalities to continue ? I am firmly convinced that there is grave social danger in permitting any oligarchy as such, to plant its roots more and more firmly into the soil, on grounds of abstract justice, and providing them with additional weapons derived from the armoury of countries where democratic conditions prevail to enable them to maintain their formidable superiority in the present too unequal a contest.

Much stress is laid on the recommendation of the majority as to the imperative need to make such minority communities realize the importance of organizing themselves and befitting themselves for the exercise of political functions and therefore to stimulate their self-reliance by proper regulation. I for one, do not fear that the grant of communal representation will in any way retard the normal expansion of the community ; while on the other hand, it will serve as an incentive to more and more self-realisation. Nor is there any reason to fear that communal representation so long as it is employed for the legitimate purpose of securing a proper adjustment of various interests, is likely to encourage needless strife. It will on the other hand ensure healthy competition between various interests, strengthen the weakened parts, bring about a fusion of equals instead of perpetuating sectional ascendancies, and pave the way to true democracy.

(ii) Mahomedan Representation.

8. Before dealing with this question, I am obliged to observe that a good deal of matter has been introduced in the report which was never discussed by the Committee and an attempt is made to lead this question to a new policy. During the course of the deliberations of the Committee, all that transpired about Mahomedan Representation was that I moved a proposition urging special electorates for the representation of Mahomedans in the Representative Assembly. But this was lost for want of a seconder. Such beirg the case, I cannot understand the justification for introducing into the report facts and figures which were neither placed before the Committee at its sittings nor were the subjects of debate of the Committee.

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*Chairman's Note.—The Chairman is constrained to point out the facts in relation to the allegations in para 8 of Mr. Abbas Khan's dissenting minute that "a good deal of matter has been introduced in the Report that was never discussed by the Committee and an attempt is made to lead this question to a new policy." The question of communal electorates was discussed by the Committee repeatedly; the question of reserving a number of seats specifically for certain communities also came up more than once, as for example, when leave was refused to Mr. Matthan to re-open a cognate question in view of previous discussions and decisions. Though Mr. Abbas Khan's proposition fell through for want of a seconder, it should not be inferred that the principle of communal representation underlying his propositions was not discussed.

As regards the figures relating to Mahomedan population, the Census Tables were available to all the members from a very early stage of the Committee's labours. The Chairman had repeatedly referred to the probabilities of the case based upon his detailed examination of the population figures in the Census Tables. Further, the draft report containing those passages and embodying these facts and figures *had been circulated to all the members including Mr. Abbas Khan before the Committee ever met to consider the final report*, and there were 12 sittings of the Committee thereafter, in course of which the Report was thoroughly discussed and finally passed.

As regards Mr. Abbas Khan's suggestion that statistics have been furnished in support of the contention that no separate election need be given to Mussalmans probably even through Associations, Mr. Abbas Khan must know full well that it is of the very essence of the Committee's recommendations about minorities that the Mussalmans as well as all other communities (of a numerical strength of 20,000 or over) should be given representation through *Associations*, if they should not otherwise be represented. In fact, the Committee by its recommendations has taken special care to see that no such community shall be denied representation (*vide* Recommendation 11 iv).

10th—11th April 1923. BRAJENDRANATH SEAL,
Chairman, Constitutional Reforms Committee.

For instance, under the heading " Facts relating to some of the minorities " (paras 146 and 147 of the report) certain statistics have been furnished in support of the contention that no separate election need be given to Musalmans probably even through Associations. But I may mention that these facts and figures were not placed before the Committee nor were they subjected to any scrutiny or examination since the question of Muslim Representation was not the subject of the debate. Their incorporation in the report for the first time at this stage is contrary to accepted principles of business and procedure. Notwithstanding this objection, I would endeavour to state a few facts. With a view to show that the percentage of Musalmans is as high as 10 per cent to the total population in many places so that its members have a chance of being elected in the ordinary course, the report mentions the names of five constituencies, *viz.*, the towns of Mysore, Bangalore and Shimoga on one hand and the Sub-Taluks of Kumsi and Narasimharajapura on the other (para 146). The report further mentions 19 other taluks where the Muslim community is alleged to be not less than 5 per cent from which Musalman members may be expected to be returned to the Representative Assembly (para 147). The report is significantly silent regarding the percentage of Muslim populations in numerous other taluks and towns of the State. Why the authors (majority) of the report have not furnished statistics in respect of them without which dispassionate conclusions cannot be drawn is not known. Comparisons like this however convenient they may be for theorists, will not serve as an authority in solving the general principles involved in this important matter and cannot respond to the test of actualities as described by me at a later stage. Messrs. Chandy, Matthan, Ramaswamy Chetty and myself do not think that Mahomedans have a fair chance of being elected by the general electorate in the manner indicated above (para 148 of the report).

Under the heading "Opinion of the majority of the Committee as to certain methods " the report states in para 129 (iv) (1) that,—

" The majority of the Community are against communal electorates. Some of us think that once this cleavage is introduced, it would very soon enter into alliance with those passions " the greed of material gain and the

fear of material loss " which, deep in the breast, in every community, strive against the more generous impulses of common fellowship and disinterested sharing, and the result would be a perpetual social war (under the name of an armed peace or armed neutrality) on the usual plea of an effective preparedness for war."

I may note that this statement is irreconcilable in view of the fact that the report makes an emphatic assertion in another place (para 133) that the system of communal representation by separate electrorates granted to Musalmans in British India has led to the Hindu-Muslim compact at the Lucknow Congress.

Besides the opinion of the authors of the report of the Franchise Committee on Indian Constitutional Reforms which is noted below in contrast to the opinion of the majority of our Committee as expressed above will further repudiate the idea of the supposed cleavage.

" In the interest of India as a whole, we have therefore, felt ourselves amply justified in accepting the compact as a guide in allocating the proportion of Mahomedan representation in the Councils." (Para 15, pages 9 and 10.)

Under the heading " Further motions on the subject," (para 153) reference is made to a proposition sought to be moved by our learned colleague Mr. K. Matthan urging the necessity for the allotment of 15 seats to Musalmans in the Representative Assembly out of 35 seats set apart for minorities to which leave was not granted by 7 against 4, the minority being Messrs. K. Matthan, K. Chandy, M. Subbiah and myself. The report says that although there was no difference as regards the object, yet the majority were of opinion that this method of realizing the object would militate against the fundamentals of the scheme. A careful reading of the proposition would convince one that the proposition was self-contained deriving its authority solely from the resolutions of the Committee. It has only asked the Committee to put in practical shape the policy enunciated by it in certain resolutions passed by it.

The proposition runs as follows :—

" That in order to give effect to the resolutions of the Committee at the meeting held on the 3rd November 1922 about giving adequate representation to minorities and with

reference to the resolutions of the 6th and 7th instants about the 35 seats reserved for the repesentation of minorities through Associations and nominations, the Committee resolves that out of 35 seats referred to, the number of seats for members of the Muslim Community be so fixed as to secure to them a total number of 15 seats on the Representative Assembly inclusive of those returned by the general electorate."

It will be thus seen that there is absolutely nothing to militate against the fundamentals of the scheme. Moreover, this remark in the report is totally incompatible with the Committee's accepted opinions and commitments. Sinc the Committee has resolved to grant adequate representa tion to minority communities, it cannot go behind it in th case of Musalmans and treat them as an exception. Further without knowing the *pros* and *cons* of the subject, there is n. justification to pass comments on a resolution to which the majority had not the courtesy even to grant leave to be moved in the Committee.

During the discussion of the subject, however, the sense of the Committee as expressed at the time was that the question of allotment of adequate number of seats to Muslim Community should be left to the unfettered discretion of Government. But the report is silent on this important matter.

It is mentioned in the report (para 133) that in British India promise was given to a particular community (*i.e.*, Musalmans) for communal representation by separate electorates for the purpose of conciliation at a moment of estrangement and panic. On the other hand, I may be permitted to say that the Mahomedan Community was promised electoral privilege in British India on the ground of their political importance and not on account of estrangement and panic. In support of my statement, I beg to refer to the Fifth Despatch (No. 4 of 1919) of the Government of India to His Majesty's Secretary of State for India published in page 372 para 22 of the reports of the Franchise Committee on Indian Constitutional Reforms, an extract of which is given below.

"In the first place, the Mahomedans have been definitely promised some electoral advantage on the ground of *their political importance.* We should have to secure that advantage and to fulfill the promise."

Therefore, in my opinion, the arguments adduced in the report in this connection are not tenable.

The majority report of the Committee has further stated (para 133) as an additional reason against the proposals to grant separate representation to Mahomedans that "Mysore possesses the privilege of a Unitary Constitution in which the Head of the State as the centre of reference is a symbol and guarantee of the solidarity of the State and its people. The best protection of the Communities against one another is the protection of common head, a head who is "incorporate" in all and does not stand outside by the necessities of a dualistic constitution and a Party system of Government." There is one pertinent question which a student of politics would ask in this respect. Does not the protection and guarantee of the Sovereign Head extend to other Communities also? The answer is most certainly it does. If so, where is the need for constitutional reforms? The answer is because it is the gracious pleasure of our beloved Sovereign to associate his subjects more and more with his Government and to increase the popular element in the administration. This is the *bed-rock* of our reforms. How then can the Musalmans or any other community be singled out on the aforesaid principle and denied effective representation?

The question of adequate Muslim representation both in the Representative Assembly and on the Legislative Council is a matter of very great importance to the Community. But the Committee have not been good enough to give the question the attention it deserves, although I persistently brought it to their notice and pleaded for the special representation to the Muslim Community on both these bodies. I need not mention here the treatment this Community has received in this respect in all the Provinces in British India. Even in the small State of Cochin, in the Reforms very resently introduced, a special constituency has been provided for Musalmans by reason of *their special laws and importance.*

I may be permitted to quote here certain passages from the reports of the Franchise Committee on Indian Constitutional Reforms in support of my contention. (Para 15 of the report page 9).

"The Joint Report (paragraphs 231 and 232) recognizes the necessity for the communal representation of

Mahomedans in Provinces where they do not form a majority of electors. The evidence received by us and the opinions of local Governments concerned were almost unanimous in favour of this course. In all Provinces, except Bengal and the Punjab, Mahomedans are in a minority as regards both population and electors. In Bengal and Punjab where Mahomedans form a majority of the population, our rough estimates show that they form a minority of electors. There was very general agreement in favour of communal representation for Mahomedans in those provinces as well as in the rest of India, and the local Government urged the same step. Both Hindus and Mahomedans are thus in substantial agreement that the latter should even here enjoy communal electorates, and we have no hesitation in recommending that effect should be given to this common desire. We have consequently provided for the preparation of separate Mahomedan and non-Mahomedan electoral rolls, and for separate Mahomedan constituencies."

Again in the Fifth Despatch (No. 4 of 1919) of Government of India to His Majesty's Secretary of State for India, the following para relates to the special representation of Mahomedans. (Para 22 page 372 of the Report of the Franchise Committee on Indian Constitutional Reforms).

"In the first place, the Mahomedans have been definitely promised some electoral advantage on the ground of their political importance. We should have to measure that advantage and to fulfil that promise. Secondly, the Mahomedans are the poorer community, and therefore any property qualification common to them and the Hindus will make the Mahomedan electorate smaller in proportion to the Mahomedan census than will be the case with the Hindus. In the third place, the census strength of the Mahomedans by no means corresponds to their political strength. In Bengal and Assam, the Muslims are politically weaker than their numbers would indicate, while in the United Provinces, with 14 per cent of the population, they are incomparably stronger than in Bihar and Orissa with 10·5 per cent. Past history and the presence of Mahomedan centres count for much. Fourthly, it might be argued that in as much as a majority can always impose its will upon a minority, it does not greatly matter whether the Maho-

medans in places where they are in a conspicuous minority are awarded, for example, 15 or 20 per cent of the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed."

Separate representation which was promised to Musalmans by Lord Minto in 1906 was granted to them in all the Provinces of India by the Reforms of 1909 and it was reaffirmed in the Constitutional changes effected in the year 1918. The ratio of representation granted to Musalmans in 1918 in the Provinces in which they are in a minority is noted below.

	Hindus	Musalmans	Muslim percentage of population	Total number of elected seats	Seats reserved for Musalmans	Percentage of Muslim seats
1. Central Provinces and Birar.	11,496,486	5,64,909	4·3	53	7	15·0
2. Madras Presidency ..	35,315,381	2,735673	6·5	98	13	15·0
3. Provinces of Behar and Orissa. ..	27,259530	3,49,8182	10·5	73	17	25·0
4. United Provinces of Agra and Oudh.	40,122,238	6,658,373	14·0	96	27	30·0
5 Bombay Presidency ..	14,918,223	3,960,469	20·4	87	27	33·3

(The above figures have been copied from the reports of the Franchise Committee on Indian Constitutional Reforms).

It is thus obvious that in the Central Provinces and Birar and Madras, where the percentage of Muslim population is only 4.3 and 6.5 respectively, the ratio of seats assigned to them is 15 per cent. Similarly, in other provinces also a much larger proportion of seats has been given to them than their numerical strength would warrant.

Let us now consider the case of the Mysore State. According to the recent census, the population of Hindus is 54,15,636 and that of Musalmans 3,15,387. The percentage of the Musalman population is 5·8. On the principle followed in British India, the percertage of seats Musalmans will be entitled to is 15.0 both in the Representative Assembly and in the Legislative Council. In the Committee's proposals,

the seats alloted for non-official members in the Representative Assembly and on the Legislative Council are 250 and 30 respectively. Then the seats which Musalmans would be entitled to would be 37 in the Representative Assembly and 4½ or 5 on the Legislative Council.

It was argued in the Committee that there is no reason to concede to Musalmans special representation which they had not enjoyed so far. My reply to tl is objection was that the Representative Assembly had no statutory status so far and that it was only a body of petitioners who represented their grievances. Now that statutory powers of an important nature have been vested in it and that it has been given a definite place in the constitution, the question of the adequate representation of minorities does necessarily arise. Similarly, the powers of the Legislative Council have been considerably enhanced, including the power to vote on the State Budget, thereby necessitating adequate representation of minorities. Besides, it is not correct to say that special representation to Musalmans on the Representative Assembly had not been granted till now, as not less than six Muslim Associations have been enjoying the privilege of deputing a member each to the Representative Assembly. The total number of Musalman members returned to the Assembly by Associations, Local Self-governing bodies and general electorate during the last three triennial elections is shown in the statement below :—

	Year	Electorates Taluks	Municipalities and District Boards	Associations	Total
Dasara ..	1916	8	5	5	18
Session ..	1919	3	12	5	20
....	1922	1	11	6	18

Now that the Committee have disfranchised Local Self-governing bodies from returning members to the Assembly, the chances of Musalmans coming through general electorate, in the present state of political awakening among the masses, have become remote. Besides, the broadening of the Franchise by 50 per cent resulting in increase in the number of voters from 25,000 to 1,00,000 has further added to their difficulties. *These altered conditions render the*

chances of the election of Musalmans through general electorate very precarious. Again, the extension of voting franchise to females will place them still more at a disadvantage. They will have little chance in competition with other Communities. My learned colleagues, Messrs. K. Matthan, K. Chandy and B. V. Ramaswamy Chetty are also of this opinion (Para 148 of the report). If for any reasons the Government are not pleased to adopt this course, I have no objection to secure their representation on Representative Assembly through Associations as decided by the Committee. But the number of seats to be reserved for them should not be less than the ratio fixed in the case of Madras and Central Provinces and Birar. But there is one point for consideration in this respect. In British India, Musalmans are not permitted to contest seats in Non-Mahomedan constituencies by reason of their having special electorates for themselves, while in our constitution no such restriction is placed. In consideration of this fact, the number of seats to be reserved for Musalmans as already indicated by me may be slightly reduced and a fixed number be allotted to them to be returned through Associations.

The question of securing Musalman representation on the Legislative Council has not been considered by the Committee notwithstanding my pleadings on that behalf. In order to awaken and develop political consciousness among Musalmans and to rouse them from their slumber, it is necessary that the number of their seats on the Legislative Council should be fixed on the principle already indicated by me and the right of election be extended to Associations as in the case of Representative Assembly. This course will surely have a wholesome effect upon the community and will conduce to its regeneration and enlightenment. For this purpose all the Muslim Associations in the State may be formed into one unit.

In conclusion, I may be permitted to point out that all over India universally recognized and well-known leaders of various Communities have come to realise the great mutual advantage of giving adequate and effective representation on all public bodies to every minority community and the compact arrived at is daily advancing the cause of union and concord in this vast country. Whenever a minority sees that fellow subjects belonging to the major communities

are willing and statesmanlike enough to give their weaker bretbren adequate opportunities for representation and advancement, it becomes increasingly inclined to throw in its lot with the rest of the population and forget petty differences. If the representatives of the majority of the great Hindu Community in Mysore are not found willing and statesmanlike enough to treat their weaker brethren, the Musalmans and the Christians and the Panchamas, generously. I am afraid that such a policy will work in the long run against their own interests and against the general progres of the people of Mysore.

There is not one country in the world where the question of proper and just treatment of minorities is not receiving increased attention of the respective Governments and leaders of the Communities. Mysore cannot possibly be an exception to this general rule and cannot afford to be indifferent to this burning question of the day.

I sincerely hope that the Government of Mysore which has been so very generous throughout in dealing with the special problems of the backward communities on all matters concerning their welfare will come to their rescue at this juncture when our beloved Sovereign has been good enough to give Constitutional Reforms to the country.

MAHOMED ABBAS KHAN.

Note by Messrs. S. Venkatesaiya and C. Srinivasa Rao.

We deem it necessary and desirable to indicate our views in certain particulars in a separate minute, though as the body of the report shows, we are substantially in agreement with our colleagues on many issues arising from the reference ; we do not propose however to set out minutely our views on all points.

2. The Dasara announcement of 1922 clearly marks the initiation of a constitutional Government in Mysore. It is obvious that these proposals are only for a transitory stage. It is this transitory character which is not fully realised in the many criticisms describing the reforms as unsatisfactory and indeed un-progressive. The announcement specifically states that the object is the association of the people ' more and more ' with the Government, and increasing the popular element in the administration. This is the first instalment (definite step) of the association of the people and their representatives in the Government of the country, which must go on ever increasing.

3. We agree that the Legislative Council and the Representative Assembly are not likely to grow into two houses of a bi-cameral legislature with equal powers and functions. The Assembly as the popular House, must necessarily develop to a position of commanding influence and power. We conceive that the Legislative Council consisting of the " Elder Statesmen-experts, and men of experience in business and affairs, must be the body to work out the details, and to give form and expression, in Legislative enactments and otherwise, to the mandates of the Assembly. The Assembly would confine to itself the formulation of principles and the broad outlines of policy. In matters of Finance, however, the " Power of the Purse," must be wholly with the popular House. This is necessary not merely for the consolidation of its own position ; it is also necessary that a public body, representative of democracy should for the safety of the State, be invested with substantial powers. A popular House, demcoratic in origin and sympathies, would be a peril to the State if not invested with power.

4. We think too, it is quite competent, even now, to discharge that function. We entertain no doubt whatever that the Assembly will always rise to the full height of its responsibilities. In matters of finance requiring legislation however, we expect, that like other Legislative measures, the details would be worked out by the Council. All measures passed by the Legislative Council should be placed before the Assembly for its final opinion, as to whether they are in conformity with its mandates.

5. All this is in the womb of the future. We do not see the necessity, or even the expediency, of our speculating further in this minute, on these and cognate considerations. We deeply regret that our colleagues should have raised the issue of the prerogative. We would deprecate all controversies on this subject; we would prefer to leave it to be solved by the gradual growth of conventions. It is not susceptible of solution by any cut and dry formula. Whatever formula be adopted, would change its meaning with the lapse of time, for, it must, if nothing else, keep pace with "the development of the intellect and the refinement of manners."

6. We have briefly indicated a probable line of constitutional progress, as it may explain what follows. We will now proceed to set out our answer to the question as to how a definite place in the constitution may be given immediately to the Representative Assembly. In item (1) of the terms of reference, a "definite place in the constitution" necessarily involves the constitutional powers of the Representative Assembly and its relation with the Legislative Council on the one hand, and the Government on the other. Whether this place is to be given to it by a Regulation or any other formula, is a subsidiary point which only arises, if at all, in connection with item (14) of the terms of reference, requiring the Committee to indicate what should go into the the Proclamation and what should be left to Rules.

7. From what we have already stated, we envisage for the Representative Assembly a position ultimately of absolute supermacy within the constitution. For the present, which we consider as only a transitory stage, it may be desirable to reserve some powers of veto. Subject to the limitation outlined in the announcement about urgent measures, which by the way, we should like to see modified as soon as may be, we recommend that the Assembly should be consulted

on all proposed Legislative measures. We think that it is substantially what the announcement promises. The opinion of the Assembly should ordinarily be decisive. In cases where the Government considers it necessary to override the opinion of the Assembly, they must place the measure in question before the Legislative Council, together with their reasons in writing for not accepting its views. Similarly, in the matter of resolutions on the Budget, they should also be placed before the Legislative Council only when not agreed to by Government. It should not be permissible for the Legislative Council to act contrary to the opinions of the Assembly agreed to by the Government, in this or any other matter. The same principle applies with even greater force to proposals for taxation.

8 As regards resolutions on questions of public interest, the announcement specifically declares that they will be in the nature of recommendations only. We do not, therefore think that any consideration of the relations of the two houses arises in this connection.

9. About conflicts generally, there is an observation in the body of the main report to the effect that, " no Government should be placed under the necessity (or the temptation) of playing off one constituted public power against another." We agree. Therefore, if any matter is dealt with in a particular way by the popular House, the Government before consulting the other House in the same matter in cases of disagreement, should communicate their views in writing with the reasons for such views. Further, we think that when the Government exercises its veto, it should be exercised on the personal responsibility of the Dewan, and not, as it is said, in the name of an " anonymous and irresponsible body of collective power. "

10. *The Representative Assembly.*—We have agreed to fixing the number of members at 250 for the present, in view of the fact, that the announcement as well as the terms of reference, renders it obligatory on the Committee, to recommend a substantial reduction. We are not in favour of any considerable reduction in the number of members, and some of our reasons are embodied in the report. Considering the functions of the Assembly, we think its efficiency for despatch of work would not be reduced merely by numbers. On the other hand, if it is to be the true expression of the authentic

voice of the people, we think that the strength of the Assembly should not be too limited. The lack of homogeneity among the people and the diversity of interests they represent make it incumbent that the Assembly should have a wide representation. Our conclusion is reinforced by a consideration of the stage of political consciousness through which the people are passing. The bulk of them coming from rural constituencies, and most of them interested in agriculture, will no doubt contribute to stability which is very desirable, but they will not be representative of all the interests in the State, particularly of the progressive elements in Society, which are vital to the safety and the orderly development of the constitution.

11. Out of the strength of 250 for the Assembly, no less than 50 are reserved for minorities, special interests and nominations. We are wholly against nominations, but in any case, even if nominations are retained, we are against hampering the discretion of Government in the matter. Whether with reference to the Legislative Council, or the Representative Assembly, if the Government reserve to themselves the right to nominate, the discretion of Government should be wholly unfettered, and this reserve of power should be available to redress any inequality arising from whatever cause.

12. Out of the remaining 40 seats, (10 being reserved for nominations) no less than 25 are reserved for minorities. At present, out of a total strength of over 280, only 10 seats are given for the facultative representation of minorities. While reducing the total strength of the Assembly to 250, the majority further recommend that the number of minority Associations to receive the franchise, should be increased two and a half times. The majority recommendation to reserve 35 seats, can only be justified by the supposition that no person representing a minority can hope to be elected by a general constituency. This is contrary to experience. The number too of minorities is multiplied indefinitely. We consider the proposals of the majority inequitable. We think, that the existing number of 10 seats for the redress of inequalities in the representation of minorities is quite adequate.

13. At present there are 12 more seats allotted to Associations representing special interests, etc., besides

those for minorities. Therefore the number of Associations possessing the franchise is 22 at present, out of over 280 members, and this is increased by the recommendations of the majority to 40 out of the reduced strength of 250. The majority further propose that the existing distribution of seats among the taluks should remain untouched.

14. The proposals of the majority about the strength of the Assembly may be briefly summarised thus :—

The rural representation must remain as it is at present. The District Boards will be wholly disfranchised, vacating about 18 seats. Urban areas which have now a representation of 71 will be reduced to 37. Together with nominations, the Associations to have the franchise, will be raised from 22 to 50. It is clear that the representation of the various interests in the Assembly is rendered really illusory. To these recommendations we have found it impossible to assent.

15. Turning now to the rural constituencies,—the Taluk Electorates—the only representation left untouched by the Committee, they present the most extraordinary inequalities, as will be apparent from the appended table. The glaring discrepancies considered from any point of view, in the proposed distribution of seats among the 8 Districts, may be clearly seen in the table. Shimoga with a population of 492 thousand, has 21 representatives allotted to it, while Bangalore for its 788 thousand population, has only 20 and Tumkur with 773 thousand gets 19. Kolar with 704 thousand, and nearly 70 thousand less than Tumkur, gets 23. Mysore with a population of 1310 thousand has 31 representatives which will be reduced to 30, while its due proportion would be 38. It is hardly necessary to labour the point by a detailed examination of the other Districts. The discrepancies will be even more striking, if we were to compare the Taluks with one another. These are inequalities which ought to be adequately redressed in any scheme of re-distribution.

16. In view of these inequalities and of the fact that many urban areas, and all District Boards, are disfranchised, we propose that larger electorates may be constituted by combining all the taluks in a district into an additional constituency. The taluks will continue to be electorates as at present, but the number of their representatives

will be reduced. At present, the taluks are divided into three classes of constituencies returning 1, 2, or 3 members each. They may be reclassified by giving each taluk one or two members according to circumstances, such as area, population, literacy and civil condition and the remaining seats thus let free, allotted to the District Electorates. In the attached table, we indicate how the details may be worked out

17. For instance, in Shimoga there are 9 taluks. We propose 16 members for this District. Of these, 3 may be given to the District Electorate, and the remaining 13 seats distributed among the taluks. Thus after giving one to each taluk, there will be 4 seats to redress inequalities among the taluks. In the appended table, we have not taken count of the additional seats that might be available for distribution among the taluks and the proposed District Electorates, if the number of seats for minority Associations is reduced, and the nominations abandoned, as recommended by us. It may be urged that these District Electorates will be unwieldy, and that the number of Electors will be enormous. The objection can be met by taking the Revenue Sub-Divisions as the unit instead of the District, or grouping the taluks in some other way. For ourselves, we are not disposed to consider larger electorates as an unmixed evil. Even with the extended franchise, some taluks would have only a very limited number of electors. Elections under such conditions as obtain in the Taluk constituencies, are largely determined by parochial considerations, and perhaps personalities interesting or otherwise. With wider constituencies and larger electorates, there would be better chances for an appeal based on principles and policies. Large plural constituencies have other advantages besides. Where the masses are not politically well organised, compact minorities which are homogeneous and can easily be organised, may secure a large measure of protection and some representation by self-exertion. Further, as political education progresses these constituencies would offer a ready field where some scheme of proportional representation can be easily introduced. We are therefore of opinion, that territorial constituencies covering a wider area than the taluk should be constituted in addition to the taluks. The appended table shows how the seats might be allotted, if all the taluks in a district are combined as one unit for Electoral purposes. We have

also indicated above other possible combinations. We are painfully conscious of the imperfections of these proposals. They arise from lack of information. We proposed that evidence should be taken to enable the Committee to decide these matters. The Committee did not agree. We do not even now know with any degree of certainty, the total increase in the Electorate under the franchise proposals. We have no information as to the probable increase in the electorate in all the taluks. The number of electors and literacy figures for each taluk would be necessary to frame detailed recommendations. We are clearly of opinion, that before the elections under the new constitution are held, an equitable redistribution of seats should be undertaken. After all, it must be borne in mind, the proper constitution of electorates is not a negligible factor.

18. As regards the 50 seats reserved for nominations and Associations, whatever the number ultimately determined on by Government, they should all be allotted, and no seat should be left vacant; the total strength of the Assembly should not be liable to fluctuation by variations in the allotment of these seats.

19. *Minorities.*—In these observations we have taken exception to two aspects only, of the proposals of the majority about the representation of minorities, *viz.*, the excessive number of seats reserved and the fetters imposed on the discretion of Government in the matter of nominations. We may add, that in the anncuncement, nominations are referred to both for the representation of minorities and special interests. But apart from these two points, we are anxious to make it clear, that we are entirely in agreement with the solution proposed for the question of minority representation. The essence of the solution is that what is a minority is determined by the test of representation secured, which is applicable to all. If the representation secured through the general Electorates is not *adequate*, then the best course is to give such minorities representation through Associations. It is further provided that these Associations should satisfy some simple tests, to show that they are living institutions, and not merely a congerie of individuals banded together for the sole purpose of securing the franchise. The main tests proposed are the number of members, working as evidenced by regular meetings, and Registration as show-

ing that it has the interests of the Minority at heart. Some recommendations have also been made to ensure that elections are properly held. Provision has been made for the grouping of Associations and postal votes to avoid all possible hardship that might result from the minima fixed for the number of members and of votes. Facultative representation has the supreme merit of stimulating the Minority to active interest, in the well-being of the group. On the contrary, without such safeguards, it is likely to degenerate into artificial "Old Sarums," and cease to be a constitutional device.

We have also thought it necessary to add these remarks in view of the several dissenting views incorporated in the body of the Report.

20. *Franchise.*—The majority have recommended that the existing disqualification of Government servants from exercising the franchise should be removed. It is urged that they should not be deprived of the elementary rights of citizenship. It may be pointed out that firstly, they are not deprived of the rights of citizenship, but that they are only suspended during the period of service. Secondly, the services are neither honorary, nor compulsory. The material considerations underlying the existing prohibition are far different. Primarily, the reason is that the Civil Servant should be entirely free from political influences. The exercise of the vote, is the most emphatic manner in which any one can participate in politics. To allow such participation, would destroy the impartiality of the Public Servant. It would also undermine discipline which is a governing condition of service. It is not necessary to enlarge on the undesirability of the representatives of the people being under obligations to its public servants as their constituents. We must also refer to the possibilities of public servants influencing the elections unduly. We think, that the existing prohibition imposed upon public servants against exercising the franchise, or taking part in politics, should therefore be maintained.

21. *The Legislative Council.*—It will be seen from the foregoing, that we do not attach undue importance to the representative character of the Legislative Council; it is but proper that the franchise should, as proposed, be less popular. We agree to the franchise proposed by the majority for the District constituencies as giving us a trained electorate.

22. At the same time, we should not ignore the fact that large powers are held in the hands of the Legislative Council. We regard these powers as held in trust for the Representative Assembly during the transitory stage, and to be passed on to the Assembly gradually, as it develops in experience. While therefore, the Council is vested with these powers, it is necessary to invest the Legislative Council with some degree of popular representation. The proposals of the majority leave things as they are, providing only for 43% of the members being elected. We consider the proposals unsatisfactory, and recommend that the proportion of elected members may be raised to 50%, to be adjusted by reducing the number of nominated officials and non-officials, and throwing open the number of seats thus becoming available, to election. The additional seats may be given to Co-operation and Education, among special interests, and to the Representative Assembly.

23. *Sex Disqualification.*—The majority of the Committee consider the question of the removal of the sex disqualification of candidates to the Representative Assembly to be outside the terms of reference. We do not agree. Indeed the majority of the Committee agreed, that a consideration of this question in relation to the Legislative Council, was in order; they debated the question, but ultimately, disagreed with the proposal to remove the sex disqualification of candidates to membership of the Legislative Council. We think that the question is within the competency of the Committee, in relation both to Legislative Council, and the Representative Assembly. The terms of reference specifically require us to scrutinise the list of the existing disqualifications —*Vide* Item (5).

24. We recommend that the sex disqualification of women, to be members of the Representative Assembly and the Legislative Council, should be entirely removed, and that they may be admitted on the same terms as men. Ladies are already members of the Senate; some were nominated by Government. We may add that they have long distinguished themselves as members also of the Economic Conference and its Committees. There is no bar against their entry into the public services. They hold their own in the Medical and Education Departments. In Madras, they have even been appointed to the Bench.

25. In Mysore, their activities in social service are wide as well as varied in character. As instances, we may cite the example of the Srinivasa Mandiram Charities, the Sharada Stree Samaja, and the Mahila Seva Samaja. The Mahila Seva Samaja deserves particular notice on account of its educational activities. The Regency of Her Highness the Maharani, C.I., is within the grateful recollection of all. It is to Her Highness we owe the development of Council Government in its modern form, in the region of administration and polity, and the Sivasamudram works in the realms of Industrial Development.

26. We hold therefore, that we cannot reasonably refuse to our women, opportunities to which their record entitles them. It is also their right. It is not merely differences of interests that should be taken into account in giving representation. Differences in points of view, and variant degrees of enthusiasm which the same causes may occasion, are equally important. We would add, that the majority themselves recognise the need for the special representation of child and women welfare, among the interests to be specially represented in the Legislative Council.

27. In view of the observations in the main report, we need not enter in more detail on the familiar ground covered by the controversy on this subject, but will invite attention to one aspect finally. We have suffered, and are suffering still, enough from the inequalities of progress among various sections of the people. We think that in all lines of advance we may, now or hereafter, project, we should take particular care that every one has a like opportunity of partaking in the advance, and also a like incentive to do so.

S. VENKATESAIYA
C. SRINIVASA RAO.

District and Taluk Electorates and their Distribution.

Serial number	District	Population	Present distribution of members			Majority proposals			Calculations for comparison			Distribution as proposed by us			Quota 1 for 29,000	Total proposed in this scheme adding urban constituencies
			Taluk constituencies	Urban constituencies as exist	Total	Taluk constituencies	Urban constituencies	Total	Quota at 1 for 34,000	Urban constituencies as proposed by majority	Total	Taluks	District constituency	Seats available for redistribution among taluks		
1	Bangalore ..	788,379	20	11	31	20	7	27	22	7	29	9	7	6	27	29
2	Kolar ..	704,657	23	9	32	23	5	28	21	5	26	11	5	5	24	26
3	Tumkur ..	773,122	19	8	27	19	5	24	23	5	28	10	6	7	27	28
4	Mysore ..	1,319,368	31	15	46	30	4	34	38	4	42	14	10	14	45	42
5	Chitaldrug ..	574,179	17	7	24	17	3	20	17	3	20	9	4	4	20	20
6	Hassan ..	583,960	18	4	22	18	2	20	17	2	19	8	5	4	20	19
7	Kadur ..	333,538	14	3	17	14	2	16	10	2	12	6	2	2	12	12
8	Shimoga ..	492,560	21	6	27	21	1	22	16	1	17	9	3	4	17	17